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LEGISLATIVE HISTORY

Public Law 830--81st Congress

Chapter 1010--2d Session

H. R. 9430

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## DIGEST OF PUBLIC LAW 830

Amends the Administrative Expense Act of 1946 and other laws: Removes the requirement that expenses in connection with transfers from one official station to another may be allowed and paid only when authorized in advance. Requires that incumbent employees, as well as persons initially appointed, for duty outside the continental U. S. be required to remain on duty for the agreed period of time in order to have the expenses of the transfer paid by the Government. Authorizes the Government, under regulations to be prescribed by the heads of the departments and agencies, to bear the expense of transporting an employee's family and household goods to other locations when military or other reasons make it necessary to evacuate families from certain zones or prohibit the family from accompanying the employee to such a zone. Provides that new appointees accepting posts of duty outside the continental U. S., must serve the agreed period of time (except for reasons beyond their control) in order to have the Government pay the expenses of transportation back to the U. S. Makes "Administrative Expenses Act of 1946" the official title of Public Law 600, 79th Congress. Eliminates the present requirement that proprietors or publishers furnish sworn statements of the commercial rates for advertisements and notices in newspapers. Eliminates the requirement that printing and binding costs be paid out of special appropriations for that purpose. Repeals the requirement that appropriations specifically provide for the payment of Salaries in D. C. Eliminates the requirement for a specific authorization in appropriation items for expenditures for employee health service programs. Eliminates the requirement of a specific authorization in appropriation acts for payment of tort claims of \$1,000 or less. Changes the requirement for the filing of an affidavit by persons appointed to civil service jobs, to the effect that they have not paid anyone for assistance in obtaining the appointment.



INDEX AND SUMMARY OF HISTORY ON H. R. 9430

August 2, 1950 S. 4002 was introduced by Senator McClellan and was referred to the Senate Committee on Expenditures in the Executive Depts. Print of the bill as introduced.

August 14, 1950 H. R. 9430 was introduced by Rep. Dawson and was referred to the House Committee on Expenditures in the Executive Depts. Print of the bill as introduced.

August 23, 1950 House Committee reported H. R. 9430 without amendment. House Report 2984. Print of the bill as reported.

House debated and passed H. R. 9430 as reported.

August 24, 1950 Print of H. R. 9430 as referred to the Senate Committee on Expenditures in the Executive Departments.

August 30, 1950 Senate Committee reported H. R. 9430 with amendment. Senate Report 2495. Print of the bill as reported.

September 13, 1950 Senate discussed and passed H. R. 9430 as reported.

September 15, 1950 House concurred in the Senate amendments.

September 23, 1950 Approved. Public Law 830.









81ST CONGRESS  
2D SESSION

# S. 4002

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## IN THE SENATE OF THE UNITED STATES

AUGUST 2 (legislative day, JULY 20), 1950

MR. McCLELLAN introduced the following bill; which was read twice and referred to the Committee on Expenditures in the Executive Departments

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## A BILL

To simplify administration in the Government service, and for other purposes.

1     *Be it enacted by the Senate and House of Representa-*  
2     *tives of the United States of America in Congress assembled,*  
3     That subsection (a) of section 1 of the Act of August 2,  
4     1946 (60 Stat. 806; 5 U. S. C. 73b-1 (a)), is amended  
5     by striking the phrase “, in the order directing the travel,”  
6     and substituting therefor the words “or approved”.

7     SEC. 2. There is hereby repealed so much of the eighth  
8     full paragraph on page 216 of volume 20 of the Statutes at  
9     Large, from the Act of June 20, 1878 (44 U. S. C. 322),  
10    as reads: “; such rates to be ascertained from sworn state-

1 ments to be furnished by the proprietors or publishers of  
2 the newspapers proposing so to advertise”.

3 SEC. 3. There is hereby repealed so much of section 4  
4 of the Act of May 10, 1939 (53 Stat. 738; 31 U. S. C.  
5 680a), as reads: “; and all such payments shall be supported  
6 by a certificate by the head of the department, establishment,  
7 or agency concerned, or such subordinates as he may spe-  
8 cially designate, to the effect that the use of the telephone in  
9 such instances was necessary in the interest of the  
10 Government”.

11 SEC. 4. There are hereby repealed—

12 (a) Section 2, as amended, of the Act of June 30, 1906  
13 (34 Stat. 762; 31 U. S. C. 588) ; and

14 (b) Section 3661, Revised Statutes (31 U. S. C. 589) .

15 SEC. 5. There are hereby repealed—

16 (a) Section 5 of the Act of August 15, 1876 (19 Stat.  
17 169; 5 U. S. C. 45) ; and

18 (b) That portion of section 4 of the Act of August 5,  
19 1882 (22 Stat. 255), which reads as follows: “only at such  
20 rates and in such numbers, respectively, as may be specifi-  
21 cally appropriated for by the Congress for such clerical and  
22 other personal services for each fiscal year; and no civil  
23 officer, clerk, draughtsman, copyist, messenger, assistant  
24 messenger, mechanic, watchman, laborer, or other employee  
25 shall hereafter be employed at the seat of government in

1 any executive department or subordinate bureau or office  
2 thereof or be paid from any appropriation made for contin-  
3 gent expenses, or for any specific or general purpose, unless  
4 such employment is authorized and payment therefor spe-  
5 cifically provided in the law granting the appropriation, and  
6 then only”.

7 SEC. 6. The Act of August 8, 1946 (60 Stat. 903; 5  
8 U. S. C. 150), is amended by striking out the words “made  
9 available therefor” and substituting therefor the words  
10 “available to them”.

11 SEC. 7. The third paragraph of title 28, United States  
12 Code, section 2672, is amended by striking out the words  
13 “such agency’s appropriations therefor, which appropriations  
14 are hereby authorized” and substituting therefor the words  
15 “appropriations available to such agency”.

16 SEC. 8. (a) The Act of August 14, 1937 (50 Stat.  
17 640; 5 U. S. C. 17b), is amended to read as follows:

18 “Civilian employees of the executive departments and  
19 independent establishments of the United States and em-  
20 ployees of the District of Columbia who, upon original ap-  
21 pointment, have subscribed to the oath of office required by  
22 section 1757 of the Revised Statutes, shall not be required  
23 to renew the said oath because of any change in status so  
24 long as their services are continuous in the Executive Branch  
25 or in the government of the District of Columbia unless in

1 the opinion of the Civil Service Commission or the Commis-  
2 sioners of the District of Columbia, as may be appropriate,  
3 the public interest requires such renewal.”

4 (b) There are hereby repealed—

5 (1) Section 3 of the Act of January 31, 1925 (43 Stat.  
6 803; 5 U. S. C. 17) ; and

7 (2) Section 3 of the Act of December 11, 1926 (44  
8 Stat. 919; 5 U. S. C. 17a) .

9 SEC. 9. Section 1, as amended, of the Act of December  
10 11, 1926 (44 Stat. 1346; 5 U. S. C. 21a), is further  
11 amended by striking out the words “the Comptroller Gen-  
12 eral of the United States” and substituting therefor the words  
13 “the oath of office required by section 1757 of the Revised  
14 Statutes, as amended (5 U. S. C. 16) ”.

15 SEC. 10. The Act of August 2, 1946 (60 Stat. 806) ,  
16 entitled “An Act to authorize certain administrative expenses  
17 in the Government service, and for other purposes”, is hereby  
18 amended by adding at the end thereof a new section as  
19 follows:

20 “SEC. 21. This Act may be cited as the Administrative  
21 Expenses Act of 1946’.”





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# A BILL

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To simplify administration in the Government  
service, and for other purposes.

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By Mr. McCLELLAN

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August 2 (legislative day, July 20), 1950

Read twice and referred to the Committee on  
Expenditures in the Executive Departments







81ST CONGRESS  
2D SESSION

# H. R. 9430

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 14, 1950

Mr. DAWSON introduced the following bill; which was referred to the Committee on Expenditures in the Executive Departments

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## A BILL

To amend the Act entitled "An Act to authorize certain administrative expenses in the Government service, and for other purposes", approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government service, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That subsection (a) of section 1 of the Act of August 2,  
4       1946 (60 Stat. 806), is amended by striking the phrase  
5       ", in the order directing the travel," and substituting therefor  
6       the words "or approved".

7       (b) The period at the end of subsection (a) of said  
8       section is changed to a colon and the following proviso is  
9       added thereto: "*And provided further, That expenses of*

1 travel and transportation in connection with the transfer of  
2 officers and employees to posts of duty outside the con-  
3 tinental limits of the United States and return therefrom  
4 shall be allowed to the same extent and subject to the same  
5 limitations prescribed for new appointees under section 7 of  
6 this Act.”

7 (c) A new subsection is added at the end of the said  
8 section, as follows:

9 “(d) When civilian officers and employees of the United  
10 States are on duty at places designated by the heads of their  
11 respective departments or agencies as within zones from  
12 which their immediate families should be evacuated for mili-  
13 tary or other reasons which create imminent danger to life or  
14 property, or adverse living conditions seriously affecting the  
15 health, safety, or accommodations of said families, or upon  
16 transfer or assignment to duty of such civilian officers and  
17 employees to places where their immediate families are not,  
18 for the aforesaid reasons, permitted to accompany them, their  
19 immediate families and household goods may be transported  
20 at Government expense, under such regulations as the heads  
21 of their respective departments and agencies may prescribe,  
22 to such location as may be designated by the civilian officer  
23 or employee concerned or by the immediate families of such  
24 officers and employees when circumstances prevent the  
25 officers and employees from designating such locations or

1 when it is administratively impracticable to determine the  
2 intent of the officers or employees in this respect: *Provided*,  
3 That if such location designated by either the officers or  
4 employees or their immediate families is within an area to  
5 which such movement is prohibited for the aforesaid reasons,  
6 an alternate location may be designated by either the officers  
7 or employees concerned or their immediate families: *And*  
8 *provided further*, That such immediate families and household  
9 goods may later be transported at Government expense from  
10 the designated location or alternate location authorized in this  
11 subsection to a duty station to which the officers or employees  
12 concerned are assigned, and to which the above restrictions  
13 do not apply.”

14 SEC. 2. Section 7 of the said Act of August 2, 1946  
15 (60 Stat. 806), is hereby amended by deleting the proviso  
16 at the end of the first sentence thereof, by deleting the second  
17 sentence, and by substituting the following therefor: “*Pro-*  
18 *vided*, That such expenses of travel and transportation to  
19 posts of duty outside the continental United States shall not  
20 be allowed unless and until the person selected for appoint-  
21 ment shall agree in writing to remain in the Government  
22 service for twelve months following his appointment, unless  
23 separated for reasons beyond his control and acceptable to  
24 the department or agency concerned and in case of violation  
25 of such agreement any moneys expended by the United

1 States on account of such travel and transportation shall  
2 be recoverable from the individual concerned as a debt due  
3 the United States: *And provided further*, That expenses of  
4 return travel and transportation upon separation from the  
5 service shall be allowed whether such separation is for the  
6 purposes of the Government or for personal convenience, but  
7 shall not be allowed unless such persons selected for appoint-  
8 ment outside the continental United States shall have served  
9 for a minimum period of not less than one nor more than  
10 three years prescribed in advance by the head of the depart-  
11 ment or agency concerned or unless separation is for reasons  
12 beyond the control of the individual and acceptable to the  
13 department or agency concerned.”

14 SEC. 3. (a) Sections 3 and 5 of the Act of June 5,  
15 1942 (56 Stat. 314), as amended (50 App. U. S. C. 763  
16 and 765), are hereby repealed.

17 (b) The second proviso of section 1 (a), Act of  
18 August 2, 1946 (60 Stat. 806), is hereby amended to read  
19 as follows: “*Provided further*, That the allowances herein  
20 authorized shall not be applicable to officers and employees  
21 transferred in accordance with the provisions of the Foreign  
22 Service Act of 1946.

23 SEC. 4. The Act of August 2, 1946 (60 Stat. 806),  
24 entitled “An Act to authorize certain administrative expenses  
25 in the Government service, and for other purposes”, is hereby



1 amended by adding at the end thereof a new section as  
2 follows:

3 “SEC. 21. This Act may be cited as the ‘Administra-  
4 tive Expenses Act of 1946’.”

5 SEC. 5. There is hereby repealed so much of the eighth  
6 full paragraph on page 216 of volume 20 of the Statutes  
7 at Large, from the Act of June 20, 1878 (44 U. S. C. 322),  
8 as reads: “; such rates to be ascertained from sworn state-  
9 ments to be furnished by the proprietors or publishers of  
10 the newspapers proposing so to advertise”.

11 SEC. 6. There is hereby repealed so much of section 4  
12 of the Act of May 10, 1939 (53 Stat. 738, 31 U. S. C.  
13 680a), as reads: “; and all such payments shall be supported  
14 by a certificate by the head of the department, establish-  
15 ment, or agency concerned, or such subordinates as he may  
16 specially designate, to the effect that the use of the tele-  
17 phone in such instances was necessary in the interest of the  
18 Government”.

19 SEC. 7. There are hereby repealed—

20 (a) Section 2, as amended, of the Act of June 30, 1906  
21 (34 Stat. 762, 31 U. S. C. 588) ; and

22 (b) Section 3661, Revised Statutes (31 U. S. C. 589) .

23 SEC. 8. There are hereby repealed—

24 (a) Section 5 of the Act of August 15, 1876 (19 Stat.  
25 169, 5 U. S. C. 45) ; and

1       (b) That portion of section 4 of the Act of August 5,  
2 1882 (22 Stat. 255), which reads as follows: “only at such  
3 rates and in such numbers, respectively, as may be specifi-  
4 cally appropriated for by the Congress for such clerical and  
5 other personal services for each fiscal year; and no civil  
6 officer, clerk, draughtsman, copyist, messenger, assistant  
7 messenger, mechanic, watchman, laborer, or other employee  
8 shall hereafter be employed at the seat of government in  
9 any executive department or subordinate bureau or office  
10 thereof or be paid from any appropriation made for con-  
11 tingent expenses, or for any specific or general purpose, unless  
12 such employment is authorized and payment therefor specifi-  
13 cally provided in the law granting the appropriation, and  
14 then only”.

15       SEC. 9. The Act of August 8, 1946 (60 Stat. 903, 5  
16 U. S. C. 150), is amended by striking the words “made  
17 available therefor” and substituting therefor the words  
18 “available to them”.

19       SEC. 10. The third paragraph of title 28, United States  
20 Code, section 2672, is amended by striking the words “such  
21 agency’s appropriations therefor, which appropriations are  
22 hereby authorized” and substituting therefor the words  
23 “appropriations available to such agency”.



1        SEC. 11. (a) The Act of August 14, 1937 (50 Stat.  
2    640, 5 U. S. C. 17b), is amended to read as follows:

3        “Civilian employees of the executive departments and  
4    independent establishments of the United States and em-  
5    ployees of the District of Columbia who, upon original ap-  
6    pointment, have subscribed to the oath of office required  
7    by section 1757 of the Revised Statutes, shall not be re-  
8    quired to renew the said oath because of any change in  
9    status so long as their services are continuous in the executive  
10   branch or in the government of the District of Columbia un-  
11   less in the opinion of the Civil Service Commission or the  
12   Commissioners of the District of Columbia, as may be appro-  
13   priate, the public interest requires such renewal.”

14        (b) There are hereby repealed—

15        (1) Section 3 of the Act of January 31, 1925 (43  
16   Stat. 803, 5 U. S. C. 17) ; and

17        (2) Section 3 of the Act of December 11, 1926 (44  
18   Stat. 919, 5 U. S. C. 17a).

19        SEC. 12. Section 1, as amended, of the Act of December  
20   11, 1926 (44 Stat. 1346, 5 U. S. C. 21a), is further amended  
21   by striking the words “the Comptroller General of the United  
22   States” and substituting therefor the words “the oath of  
23   office required by section 1757 of the Revised Statutes, as  
24   amended (5 U. S. C. 16) ”.

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# A BILL

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To amend the Act entitled "An Act to authorize certain administrative expenses in the Government service, and for other purposes", approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government service, and for other purposes.

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By Mr. DAWSON

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August 14, 1950  
Referred to the Committee on Expenditures in the  
Executive Departments





AMENDING THE ACT ENTITLED "AN ACT TO AUTHORIZE CERTAIN ADMINISTRATIVE EXPENSES IN THE GOVERNMENT SERVICE, AND FOR OTHER PURPOSES," APPROVED AUGUST 2, 1946 (60 STAT. 806), TO SIMPLIFY ADMINISTRATION IN THE GOVERNMENT SERVICE

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AUGUST 23, 1950.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. DAWSON, from the Committee on Expenditures in the Executive Departments, submitted the following

## REPORT

[To accompany H. R. 9430]

The Committee on Expenditures in the Executive Departments, to whom was referred the bill (H. R. 9430), to amend the act entitled "An act to authorize certain administrative expenses in the Government service, and for other purposes," approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government service, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

### GENERAL STATEMENT

Public Law 600 of the Seventy-ninth Congress (act of August 2, 1946, 60 Stat. 806) was characterized in the report of this committee as "a bill to eliminate Government red tape." This bill, which amends and supplements Public Law 600, contains further provisions for the elimination of Government red tape.

The amendments and additions to Public Law 600 which would be made by this bill are based upon (1) experience with the administration of Public Law 600, and developments which have occurred since it was enacted in 1946; (2) the results of a study made by the Comptroller General of the United States pursuant to a requirement of the Legislative Reorganization Act of 1946; and (3) the studies of the Hoover Commission on Organization of the Executive Branch of the Government.

## (1) EXPERIENCE UNDER PUBLIC LAW 600

Public Law 600 represented the first attempt to provide a Government-wide method of dealing with expenses of travel of employees, transportation of dependents, and shipment of household effects on permanent change of station, and for payment of expenses of persons appointed for duty overseas. Experience indicates that provisions of that law should be broadened to provide for evacuation of civilian employees for military or other reasons which make it necessary or desirable to remove them or their families from their designated posts of duty; and to provide protection for the Government in cases where it pays expenses of certain civilian employees to posts of duty abroad.

Experience with Public Law 600 also has demonstrated that simplifications made possible by the act in certain fields can be extended to other fields, as further developed later in this report.

## (2) LEGISLATIVE REORGANIZATION ACT OF 1946

Section 205 of the Legislative Reorganization Act of 1946 required the Comptroller General to make a study of restrictions in appropriation acts with a view to determining cost to the Government of complying with such restrictions, and to make such recommendations to the Congress with regard thereto as he determined necessary or desirable. Such a study was prepared by the Comptroller General and submitted to the Congress on January 4, 1949. Thereafter, the Senate Committee on Expenditures in the Executive Departments requested the Bureau of the Budget, the Treasury Department, and the General Accounting Office to prepare a draft of such legislation as they believed to be necessary to carry out the recommendations of the Comptroller General.

This bill, in subsection (a) of section 1 and in sections 4 through 12, incorporates the legislative recommendations of the Comptroller General, the Secretary of the Treasury, and the Director of the Bureau of the Budget, as contained in the draft presented to the Senate committee by the Director of the Bureau of the Budget with the concurrence of the Treasury and the Comptroller General. A similar bill, S. 4002, is now pending in the Senate.

## (3) HOOVER COMMISSION RECOMMENDATIONS

The Commission on Organization of the Executive Branch of the Government, in its report on "Budgeting and Accounting" (p. 12), stated that—

\* \* \* In spite of recent simplifications, the language of some appropriation items remains a jungle of detailed provisions. Many of these detailed prescriptions would seem to be susceptible of more or less uniform treatment in codified form.

This bill would permit the elimination from appropriation language of many useless phrases which are required under existing law, and thus permit elimination from appropriation acts of a large portion of the "jungle of detailed provisions" which the Commission has criticized.



## PURPOSES OF THE BILL

The bill would permit expenses incurred by employees ordered to make a permanent change of station to be paid whether the change of station and payment of expenses is authorized in advance, as required by present law, or subsequently approved; provide uniform statutory authority for civilian as well as military agencies of the Government to remove civilian employees and their dependents from areas from which they must be evacuated for military or other reasons; provide uniform travel and transportation allowances for employees recruited for, or transferred to, posts of duty outside the continental United States; and insure that the United States will have the right to recover expenses paid in connection with the transfer of an incumbent employee to a post of duty outside the continental United States if he should fail to serve his agreed term at such post in the same manner as provided by existing law with respect to new employees appointed to such a post.

Also, the bill would simplify the requirements for payment of vouchers covering charges for newspaper advertising and for long-distance telephone calls by eliminating certain special certificates, now required in connection with such vouchers, which duplicate general certificates required in connection with all vouchers. It would repeal those provisions of law requiring specific mention in appropriation acts of authority to make expenditures for printing and binding, personal services in the District of Columbia, health service programs, and payment of tort claims, thus placing expenditures for those purposes in the same category as expenditures for any other items—that is, expenditures for such purposes would be covered by the general terms of the appropriation language making funds available “for necessary expenses” and leaving the question as to the necessity for any particular item to be determined in the first instance by the agency head and in the last analysis by the Comptroller General. This will not in any manner affect the existing right of the Congress to impose, in the appropriation acts, any limitations which it may deem necessary on the use of funds for those purposes.

The bill would also simplify present requirements for filing of oaths by permitting employees to serve in different departments or agencies under the oath filed upon original appointment so long as employment is continuous within the executive branch of the Government or within the government of the District of Columbia. Similarly, it would permit the special oath required of certain public officers to be retained in agency files with the general oath required of all officers and employees, instead of being filed with the Comptroller General as required under existing law.

## COMPTROLLER GENERAL'S RECOMMENDATIONS

The committee has been careful to guard against the possibility that, in attempting to simplify administration, the interests of the Government may be slighted. Testimony before the committee, and the other information supplied by representatives of the agencies concerned, clearly indicates that the proposed simplifications will not in any way lessen the control of Congress over the use of appropriations

nor adversely affect the Government's interest. In all of these matters, the views of the Comptroller General have been carefully considered, as shown in more detail in the section-by-section analysis which follows.

#### EXPLANATION BY SECTIONS

##### *Section 1*

(a) Subsection 1 (a) of the act of August 2, 1946 (60 Stat. 806, 5 U. S. C. 73b-1 (a)) now authorizes payment of travel expenses of employees, transportation of their families, and shipment of their household effects upon transfer from one official station to the other at the convenience of the Government only "when authorized, in the order directing the travel." Subsection 1 (a) of the present bill would substitute for those words the words "authorized or approved." That amendment would permit reimbursement to employees for expenses of their travel, the cost of transportation of their families, and shipment of their household effects upon transfer in cases where authority to incur those expenses inadvertently might be omitted from the original orders, or where no formal order was issued in advance. Normally orders covering such expenses are and should be issued in advance, but it must be recognized that circumstances occasionally make that impossible.

There have been many instances under the present law where hardship has resulted because employees have been directed by their superiors to transfer from one permanent duty station to another only to find that the expenses necessarily incurred by them in effecting the change of station could not be reimbursed because no authorization for incurring such expenses had been issued prior to the performance of the travel. The injustice suffered by employees in those cases frequently is aggravated by the fact that the failure to issue proper and complete orders results from emergency situations in which the employee has complied with the orders of his superiors at considerable personal inconvenience.

(b) Subsection 1 (b) of the bill places Government employees who transfer to positions outside the continental United States in the same relative position so far as travel and transportation expenses are concerned, as persons initially appointed for duty outside the United States. (See the explanation of sec. 2.) Under present law, a Government employee transferred for duty outside the continental United States is not required to remain in Government service for any particular period after his transfer in order to avoid being liable for the expenses of his transfer. The provisions of this section also would insure that incumbent employees transferred for duty abroad, as well as new employees recruited for such duty, would be indebted to the United States for any moneys expended by the Government on account of the transfer in the event they failed to complete their agreed period of service.

(c) Subsection 1 (c) authorizes the Government, under regulations to be prescribed by the heads of the respective departments or agencies, to bear the expenses of transporting an employee's family and household goods to a location designated by the employee whenever for military or other reasons stated in the section it is found necessary by the head of the department or agency concerned to evacuate families from certain zones or to prohibit the family from accompanying the employee to such a zone. In certain instances the location



may be designated by the immediate family. Alternate locations may be fixed by the family where the originally designated location is within an area to which movement of the family is prohibited. Provision also is made for the later shipment of the family, and household goods to an assigned duty station of the employee where there are no restrictions.

### *Section 2*

Under present law (sec. 7 of Public Law 600 approved August 2, 1946, 60 Stat. 806) a person newly appointed for duty outside the continental United States is required to agree in writing to remain in Government service for an agreed period of at least 12 months following his appointment unless separated for reasons beyond his control before the outgoing expenses of transporting himself, immediate family, and household and personal effects may be allowed. Section 2 amends the present law so as to make the Government's assumption of the return expenses of transportation dependent upon the employees serving an agreed period of time of not less than one year and not more than 3 years as prescribed in advance by the head of the department or agency unless separation is for reasons beyond the control of the individual and acceptable to the department or agency concerned. Upon completion of the agreed period of service return transportation expenses would be allowed whether separation was for the purposes of the Government or for personal convenience.

### *Section 3*

(a) Subsection 3 (a) repeals section 3 of the act of June 5, 1942 (56 Stat. 314, as amended, 50 U. S. C. App. 763), which presently provides authority in the Department of the Army similar to that which section 1 (c) of the present bill provides for all departments and agencies. Also, this subsection repeals section 5 of that act (50 U. S. C. App. 765) which makes certain funds available for the expenses of movement of household goods and baggage. That section is unnecessary.

(b) Subsection 3 (b) continues to exclude from the provisions of section 1 (a) of the act of August 2, 1946 (60 Stat. 806), officers and employees transferred in accordance with the Foreign Service Act of 1946.

### *Section 4*

The purpose of this section is to add a short title to the act of August 2, 1946 (60 Stat. 806), entitled "An act to authorize certain administrative expenses in the Government service, and for other purposes."

The cited act contains authority for numerous items of expenditure by Government agencies to which constant reference must be made in administrative regulations, appropriation acts, decisions of the Comptroller General, and similar documents. The lack of a short title for the act has resulted in a certain amount of administrative inconvenience, and this section would simplify the numerous references which are made by Government agencies to the 1946 act.

### *Section 5*

The purpose of this section is to eliminate the present requirement of law (sec. 1 of the act of June 20, 1878, 20 Stat. 216, 44 U. S. C. 322) that payments for advertisements, notices, and proposals in news-

papers be made only upon sworn statements of the publishers that the prices charged are not in excess of the commercial rates charged to private individuals, including the usual discounts. The proposed section would make no change in that part of the 1878 statute which specifies that payment for such advertisements, notices, or proposals be at prices not to exceed the commercial rates.

The Comptroller General's report on restrictions on expenditure of appropriated funds (item 14, p. 51) indicates that the requirement for a sworn certificate as to rates adds substantially to the complexity of handling bills for advertisements, both on the part of the Government and the publishers, because the publisher frequently is unfamiliar with the requirement and it must be explained to him by Government representatives; that the notarial fee in connection with the sworn statement frequently comprises a large percentage of the total bill; and that the reluctance of publishers to accept Government advertisements on account of this provision increases the difficulty of transacting necessary public business.

While the requirement for a sworn certificate as to the rates charged for advertisements may have served a useful purpose when the statute was enacted more than 70 years ago, there now appears to be no more reason for requiring such a statement in connection with published advertisements than there would be in connection with the procurement of any other commodity or service. The committee recommends the elimination of the requirement for such sworn statement.

### *Section 6*

The purpose of this section is to eliminate the requirement for a special certificate, on each voucher covering payment for long-distance telephone tolls, to the effect that the use of the telephone was necessary in the interest of the Government. However, the proposed section would retain that part of the existing law which specifies that no funds shall be used for the payment of long-distance telephone tolls except where the interests of the Government require the public business to be so transacted.

The present special certificate regarding the necessity for long-distance telephone calls is required by section 4 of the Act of May 10, 1939 (53 Stat. 738, 31 U. S. C. 680a). The legislative history of this section indicates that it was designed to curb abuses in the making of long-distance calls which were believed to be prevalent at that time. To the extent that the act directed attention to the problem of excessive use of the long-distance telephone, it may have served a useful purpose. The committee considers that an indefinite continuation of the requirement for a special certificate is not justified, particularly in view of the fact that the general certificate required to be placed upon all vouchers for nonpersonal services includes a statement to the effect that the items for which payment is recommended "were necessary for the public service." This general certificate necessarily implies that the use of the long-distance telephone was in the interest of the Government, and thus the special certificate attesting to the necessity for long-distance telephone calls is merely a duplication of the general certificate which is required on such vouchers. The General Accounting Office has indicated that, since the matter is

covered by the general certificate on the voucher, and because of the amount of paper work involved, it has no objection to the elimination of this provision.

### *Section 7*

This section would repeal those provisions of law which require that expenditures for printing and binding be charged to appropriations made solely for that purpose, and that the annual estimates for appropriations include sums "for printing and binding, to be executed under the direction of the Public Printer."

The requirement that printing and binding be charged to appropriations made specifically and solely for that purpose was contained in the act of June 30, 1906 (34 Stat. 762, 31 U. S. C. 588). Specific appropriations for the sole purpose of printing and binding were abandoned gradually by the Congress during the last decade, and it became the practice to include specific amounts for printing and binding in appropriations which were also available for other purposes. Within the last few years the practice of including specific amounts for printing and binding also has been abandoned.

The requirement for inclusion in the estimates of specific sums "for printing and binding, to be executed under the direction of the Public Printer" stems from section 3661 of the Revised Statutes, now contained in 31 U. S. C. 589. This requirement has been superseded by later statutes which specifically provide the method and manner by which printing and binding shall be obtained. In general, the law now requires that all printing and binding be obtained at the Government Printing Office, except as may be otherwise permitted under regulations of the Congressional Joint Committee on Printing (act of July 5, 1949, Public Law 156).

The present effect of the above-cited provisions of law is to require the mention of printing and binding in numerous appropriations in order that those appropriations may be available for that purpose. The use of those words in the appropriation item serves no useful purpose and imposes no limitation upon the amount which may be expended for printing and binding from those items, nor any requirements as to the manner in which the work shall be done. As a result, the phrase "including printing and binding" appears 168 times in the appropriation acts for the fiscal year 1950, and 122 times in the pending omnibus appropriation bill for 1951, although no limitation is placed upon the amounts available for that purpose in either fiscal year. In each of these years there are only two specific appropriations for this purpose, one in the legislative branch and one in the judicial branch.

It should be noted, however, that even when the existing requirements are repealed, it will still be possible to place monetary limitations upon amounts available for printing and binding if the Congress deems such action necessary in specific cases.

### *Section 8*

This section would repeal those provisions of law which prohibit the employment of personal services at the seat of government unless specifically authorized in the appropriation concerned.

These provisions are contained in section 5 of the act of August 15, 1876 (19 Stat. 169), and section 4 of the act of August 5, 1882 (22 Stat. 255). The pertinent parts of these statutes, as affected by



the classification acts and other subsequent laws authorizing the employment of personal services, are set forth as sections 45 and 46 of title 5, United States Code. The net effect of these sections is to require the insertion, in each appropriation which is to be used for the payment of salaries at the seat of government, of the words "including personal services in the District of Columbia."

When the specific mention of personal services at the seat of government is accompanied by a limitation upon the amount which may be used for that purpose, such specification has a practical effect. However, where the specification is not accompanied by a monetary limitation, it is a mere formality which results in a great amount of detail in appropriation language without serving any useful purpose.

It is worthy of note that the phrase "including personal services in the District of Columbia" appears 220 times in the regular annual appropriation acts for the fiscal year 1950, but in only 70 of such cases is it accompanied by a limitation. In the pending omnibus appropriation bill for 1951, the phrase appears 134 times but is accompanied by a limitation in only 7 instances. Fourteen appropriations made specifically for this purpose in 1950 have been merged with other appropriations for 1951.

In the Comptroller General's above-mentioned report on restrictions on expenditure of appropriated funds (item 34, pp. 28 and 29), it is pointed out that the only effect of repealing these statutes would be to do away with the necessity for specific mention of departmental personal services in each annual appropriation used for that purpose; that the repeal need not result in any lesser degree of control by the Congress over the amounts expended for this purpose; and that occasional failures to include specific mention of personal services in the District of Columbia—although possibly due to oversight in drafting—have tended to result in absurdities. The General Accounting Office states it believes that these statutes should be repealed. Your committee agrees with this view.

### *Section 9*

The purpose of this section is to eliminate the requirement for a specific authorization in appropriation items for the expenditure of funds for employee health service programs.

Employee health service programs are conducted pursuant to the provisions of the act of August 8, 1946 (60 Stat. 903; 5 U. S. C. 150). The act requires that the employee health service programs be conducted "within the limits of appropriations made available therefor."

Immediately after the passage of the 1946 act it was the practice for the Congress to limit expenditures for health service programs by making specific appropriations for this purpose, or by placing limitations upon the amounts which could be expended for this purpose from appropriations available also for other purposes. Gradually, however, as the total number of appropriations has been decreased from year to year, separate appropriations for this purpose have become fewer, and the specific limitations have almost disappeared. For example, in the fiscal year 1950 there is one specific appropriation for this purpose and one specific limitation on the amount which may be expended for this item from an appropriation available also for other purposes, or a total of two cases in which Congress has placed a control on such expenditures. For the fiscal year 1951, the pending

omnibus appropriation bill includes one specific appropriation for health service programs, and no limitations on such programs, and thus Congress has specifically exercised control over the cost of such programs in only one instance.

However, because of the specific requirement of the basic law that such programs be conducted "within the limitations of appropriations made available therefor," it is still necessary to provide specific authority in the appropriations of each agency for the conduct of such programs. This means that the phrase "including health service programs as authorized by law" was required to be repeated 59 times in appropriation acts for the fiscal year 1950 although it was accompanied by a monetary limitation only in two of such cases, and 47 times in the appropriation bill for 1951 although accompanied by a limitation only in one instance.

The elimination of the requirement for a specific authorization for the conduct of health service programs will not result in any lessened control of such programs by the Congress, since it would still be possible to place a monetary limitation on such programs wherever it might be considered desirable. The sole effect of this section will be to make it unnecessary to mention this item specifically in appropriation language in the much larger number of cases where no limitation is imposed.

#### *Section 10*

The purpose of this section is to eliminate the requirement for a specific authorization in appropriation acts for payment of tort claims.

Under section 2672 of title 28, United States Code, heads of departments and agencies are authorized to settle claims for damages of \$1,000 or less against the United States for personal or property injuries caused by negligence of Government employees acting within the scope of their employment. This section permits payment of such claims only out of appropriations made therefor.

The cited section was part of the Legislative Reorganization Act of 1946. Immediately after the passage of the act it was the practice to provide in appropriation acts for specific sums for the payment of tort claims. However, it was soon realized that a monetary limitation on the amount available for such claims served no useful purpose. Once the claim has been determined and settled by the proper administrative officials, the Government's liability is established. Where awards exceeded the limitations it was necessary to increase the limitations in supplemental appropriation acts, and consequently, the practice of placing monetary limitations upon payments for tort claims was soon abandoned. Under the present law, however, it is still necessary to provide specific authorization for the use of funds for such purpose, and thus the phrase "payment of claims pursuant to law (28 U. S. C. 2672)" is repeated no less than 53 times in the regular annual appropriation acts for 1950, although in only six cases is the phrase accompanied by a monetary limitation. Similarly, in the general appropriation bill for 1951, the phrase appears 44 times, although it is accompanied by a limitation in only two instances.

The repeal of the requirement for specific authorizations for this purpose would not lessen the control of the Congress, since specific limitations still may be imposed upon the amounts available for pay-

ment of tort claims whenever the Congress might desire to do so. Further, the law (28 U. S. C. 2673) provides for a report to be made to the Congress annually of all payments of such claims.

### *Section 11*

The purpose of this section is to eliminate the necessity for execution of a new oath when an employee transfers from a position in one agency to a position in another agency in the executive branch.

Section 1757 of the Revised Statutes prescribes the oath of office required of all persons (except the President) elected or appointed to any office of honor or profit in the civil or military services. Originally, a new oath was required whenever an employee was transferred to a different position, whether in the same or in another agency. The act of August 14, 1937 (50 Stat. 640, 5 U. S. C. 17b), provided that a new oath should not be required because of any change in status so long as the service of an employee was continuous within one agency, unless the head of the agency was of the opinion that the public interest required renewal of the oath.

This section would extend the provisions of the 1937 act to situations in which an employee transfers from one agency to another by providing that the oath need not be renewed so long as the service of the employee is continuous in the executive branch. As in the present law, the oath would be renewed if required in the public interest. However, it is proposed that authority to determine the necessity for renewal be placed in the Civil Service Commission, rather than in the heads of the various agencies, since more than one executive agency might be involved. The proposed section, like the 1937 act, would apply to employees of the District of Columbia so long as they served continuously under the District government.

The two provisions repealed by this section authorize the transfer of employees from one position to another within the Agriculture Department and the Veterans' Administration, respectively, without being required to execute new oaths of office. Those specific provisions granted to those agencies the same privilege with respect to transfers within the agency which was later applied generally to all agencies by the above-mentioned 1937 act. They are no longer necessary:

### *Section 12*

The purpose of this section is to change the requirements for filing of the special oath required of persons appointed to public office.

Under present law (act of December 11, 1926, 44 Stat. 918, as amended, 5 U. S. C. 21a) each person appointed as a civil officer of the United States by the President, by and with the advice and consent of the Senate, or by the President alone, or by a court of law, or by the head of a department, is required to file with the Comptroller General an affidavit to the effect that no consideration was paid for his appointment. The act prohibits payment of salary to any person until such oath has been filed (5 U. S. C. 21b).

The regular oath of office required by law of all persons elected or appointed to office in the civil or military services (except the President) is retained in the files of the agency to which the person's office pertains (secs. 1757 and 1759, Revised Statutes, 5 U. S. C. 16 and 21). While there is no specific statutory requirement that



this oath be executed before the officer is entitled to receive his salary, the execution of the oath has been considered as one of the elements necessary to qualifying for a position, which is a prerequisite to the drawing of salary attached to the position. The fact that this oath has been executed is ascertained by the auditors of the General Accounting Office either by examination of the agency files where payrolls are audited in the agency, or by certification on the payroll vouchers where payrolls are submitted to and audited in the General Accounting Office.

This section would permit the special oath required of the appointive officers mentioned above to be retained in the agency files where it would be available for use in the audit of payrolls in the same manner as is the general oath required of all officers. This would obviate the necessity for having different types of oaths for the same officer filed in different places and would permit the use of a form on which both oaths could be combined in cases where both are required of one person.

The General Accounting Office has stated that the interests of the United States would be adequately safeguarded if the special oath were retained in the files of the agency concerned, and the Comptroller General has stated that he would have no objection to the proposed change.

The Bureau of the Budget, Department of the Army, and the Comptroller General of the United States have approved the enactment of this legislation. The views of these agencies are incorporated in and made a part of this report, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington, D. C., August 14, 1950.

HON. WILLIAM L. DAWSON,  
*Chairman, Committee on Expenditures in the Executive Departments,*  
1501 New House Office Building, Washington 25, D. C.

MY DEAR MR. CHAIRMAN: This is in response to your informal request for the views of his Office with respect to H. R. 9430, a bill to amend the act entitled "An act to authorize certain administrative expenses in the Government service, and for other purposes," approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government service, and for other purposes.

Sections 1, 2, and 3 of the bill (except subsec. 1 (a)) are substantially the same as the provisions of H. R. 9230, a bill which was originally recommended by the Department of Defense. As stated in my letter to you of August 3, 1950, the Bureau of the Budget favored the enactment of H. R. 9230. The minor changes from that bill constitute improvements which in no way affect its purposes or change this Bureau's recommendations on those sections.

At hearings before your committee on August 11, a question was raised as to the reason for limiting to 3 years, in section 2, the period for which agreements could be made with employees for service outside the continental United States in cases where expenses of return travel and transportation are to be borne by the Government. I am attaching for the use of the committee a letter of August 14, from the Department of the Army, which indicates the reason for inclusion of that limitation in the original draft.

The remaining sections of the bill—that is, subsection 1 (a) and sections 4 through 12—were presented to the committee by a representative of this Bureau at the above-mentioned hearings of August 11 on H. R. 9230. They are identical with the provisions of a draft bill prepared jointly by the General Accounting Office, the Treasury Department, and this Bureau at the request of the Senate Committee on Expenditures in the Executive Departments, and submitted to that committee with the concurrence of those three agencies. An identical bill, S. 4002 is now pending in the Senate.

Briefly, those remaining sections would simplify issuance of orders for transfer of employees from one duty station to another; eliminate the requirement of a

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sworn statement as to the correctness of rates charged for newspaper advertising; eliminate the requirement of a special certificate as to the necessity for long-distance telephone calls; repeal those provisions of law requiring specific mention in appropriation acts of personal services in the District of Columbia, printing and binding, health service programs, and payment of tort claims in order to make appropriations available for those purposes; eliminate the requirement of a new oath of office when an employee transfers from one agency in the executive branch to another; permit the special oath required of certain public officers to be filed with the Comptroller General; and provide a short title for the so-called administrative expenses statute (Public Law 600) of August 2, 1946.

The sections referred to above would involve no additional cost to the United States, nor would they result in any measurable savings. They would, however, contribute to more effective use of the time of employees by eliminating unnecessary steps in the processes required to carry on governmental activities. Further, those provisions which are directed toward the elimination of unnecessary detail from the language of appropriation acts would help to meet the criticism directed at existing appropriation language by the Hoover Commission.

Standing alone, none of the matters treated in those sections is of primary importance. However, items such as these form the great mass of rules which have come to be known as "red tape." New requirements of this nature are being added constantly, and unless the various restrictions and limitations are re-examined from time to time with a view to discarding those which are useless and eliminating those which have served their purpose, they place a heavy burden on day-to-day operations of the Government.

In general, this bill would amend and supplement Public Law 600 of the Seventy-ninth Congress. That law went a long way in the direction of simplifying and improving Government administration, and the bill now before your committee will constitute a further step in that direction.

I sincerely hope that your committee will take favorable action on this bill.

Sincerely yours,

F. J. LAWTON, *Director.*

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DEPARTMENT OF THE ARMY,  
OFFICE OF THE CHIEF OF STAFF,  
Washington D. C., August 14, 1950.

HON. FREDERICK J. LAWTON,  
*Director, Bureau of the Budget.*

DEAR MR. LAWTON: Reference is made to a telephone call from Mr. Henry Merry of your staff advising the Department of recent action on H. R. 9230, a bill which was introduced at the Department's request in order to clarify certain questions relating to transportation of civilian employees. It is understood that committee reaction to the bill was generally favorable, but that Mr. Merry was requested to submit a supplemental statement explaining the rationale behind the 3-year limitation set forth in lines 5 and 6 on page 4 of the bill.

Section 2 of H. R. 9230 was submitted with the general intent of providing a clear statement of the Department's authority to enter into definite contractual agreements with employees recruited for overseas service under which such employees would be assured transportation at Government expense both to and from their posts of duty. Section 7 of the act of August 2, 1946 (60 Stat. 806), already provides that transportation to such posts shall be contingent upon an agreement in writing that the employee will remain in Government service for a period of 12 months. It is felt that the further guaranty of return travel expenses justified the requirement of a further minimum period of service. The language in question was therefore intended merely to provide a standard whereby the heads of employing agencies might prescribe further contractual agreements to protect the public interest. This standard was drafted in the form of minimum and maximum periods because of varying conditions at overseas stations which make it impossible to specify a single, uniform period of service. For example, the military departments have found that individuals will not agree to remain at certain isolated places (notably Okinawa and certain Aleutian bases) for longer than 1 year. On the other hand, no particular objection is raised to present practice of requiring a longer minimum period at other more desirable places and it is felt that the Government should not undertake the expense of guaranteeing return travel for a lesser period of service than is necessary and reasonable in maintaining an adequate work force.



The 3-year maximum period was selected as being reasonable in the light of past experience. It also coincides with previous policies with regard to granting leaves of absence for return to the United States, a policy which has been in effect in this Department since 1912. Several statutes, notably the Foreign Service Act and special provisions for limited groups serving in Alaska, Guam, and the Virgin Islands now authorize return transportation for leave purposes after 2 years of service and, in all probability, that standard would be adopted by most agencies under the language proposed in H. R. 9230. However, the limited discretion of allowing a shorter or longer period is considered desirable in order to meet extraordinary conditions at particular locations.

It is hoped that the above information will prove adequate to meet the needs of the Committee on Expenditures in the Executive Departments. The urgency of your request has not permitted full coordination of this letter among the other departments and agencies within the Department of Defense. However, previous communications on this subject were carefully reviewed by those organizations and it is known that they understood and concurred in the above explanation of the language in question.

Sincerely yours,

J. W. HUYSSOON, *Colonel, JAGC*

(For Miles Reber, Brigadier General, GSC, Chief of Legislative Liaison).

GENERAL ACCOUNTING OFFICE,  
Washington, August 15, 1950.

HON. WILLIAM L. DAWSON,  
*Chairman, Committee on Expenditures in the Executive Departments,  
House of Representatives.*

MY DEAR MR. CHAIRMAN: In accordance with the informal request of your committee, there is submitted herewith an expression of my views and comments on H. R. 9430, entitled "A bill to amend the act entitled 'An act to authorize certain administrative expenses in the Government service, and for other purposes', approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government service, and for other purposes."

Sections 1 (b), 1 (c), 2, 3 (a), and 3 (b) of the bill contain identical provisions to those appearing in sections 1 (a), 1 (b), 2, 3 (a), and 3 (b), respectively, in H. R. 9230, Eighty-first Congress, with the exception of minor perfecting amendments, which amendments were incorporated in the instant bill as the result of a study of H. R. 9230 by members of your committee staff and representatives of the General Accounting Office and which are in line with the recommendations made to you in my letter of August 2, 1950, B-97047 on H. R. 9230.

In the said letter of August 2, certain comments were made with respect to section 2 of the bill, H. R. 9230, which section proposes to amend section 7 of the act of August 2, 1946, Public Law 600. By way of further explanation of the second proviso of section 2 of H. R. 9430 (also sec. 2 of H. R. 9230), you are advised that the said proviso would require that employees assigned overseas, to be entitled to return travel and transportation expenses, must execute an agreement to remain in the Government service for 3 years or less—but for not less than 1 year. In the event the employee should abandon the job prior to the completion of the agreed service, whether it be for 1 year, 18 months, or 3 years, he would not be entitled to return to the United States at Government expense. The proviso would not place a ceiling on the length of time in excess of the agreed period of service the employee may continue at the foreign post of duty. That is to say, if an employee signs an agreement to remain in the Government service a minimum period of 3 years and the agency concerned desires that he continue on the job overseas for two additional years, or longer, the proviso in question would not operate to prevent his remaining abroad and at the end of the additional period of service, being returned to the United States at Government expense. Further, it may be stated that the language of the proviso is not viewed as permitting an employee who has served an agreed period of service to obtain the equivalent cost of return transportation without, in fact, having undertaken the travel.

Sections 1 (a), 4-12 of the bill represents the draft of legislation prepared by representatives of the Bureau of the Budget, Treasury Department, and this Office. It is based on the study of restrictions upon expenditures of appropriated funds made by this Office in accordance with section 205 of the Legislative Reorganization Act of 1946, and reported to the Congress on January 4, 1949.

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Many of the subjects covered by that report already have been the subject of legislation. Accordingly, the present bill includes only such remaining items as appear properly to be the subject of general legislation, plus a few items of a similar nature which were not included in that report. None of such items specifically affects the operation of this Office.

This Office has no objection to the enactment of the proposed legislation.

Sincerely yours,

LINDSAY C. WARREN,  
*Comptroller General of the United States.*

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in existing law made by this bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

### SECTION 1 AND SECTION 3 (B)

SECTION 1 OF THE ACT OF AUGUST 2, 1946 (60 STAT. 806), AS AMENDED (5 U. S. C. 73B-1)

SEC. 1. That (a) under such regulations as the President may prescribe, any civilian officer or employee of the Government who, in the interest of the Government, is transferred from one official station to another, including transfer from one department to another, for permanent duty, shall, except as otherwise provided herein, when authorized **[**, in the order directing the travel,**]** or approved by such subordinate official or officials of the department concerned as the head thereof may designate for the purpose, be allowed and paid from Government funds the expenses of travel of himself and the expenses of transportation of his immediate family (or a commutation thereof in accordance with the Act of June 9, 1949) and the expenses of transportation, packing, crating, temporary storage, drayage, and unpacking of his household goods and personal effects (not to exceed seven thousand pounds if uncrated or eight thousand seven hundred and fifty pounds if crated or the equivalent thereof when transportation charges are based on cubic measurement): *Provided*, That advances of funds may be made to the officer or employee in accordance with said regulations under the same safeguards as are required under the Travel Expense Act of 1949 (5 U. S. C., Sup. III, 838): *Provided further*, That the allowances herein authorized shall not be applicable to **[**civilian employees of the Department of the Army and their dependents when transferred under the provisions of section 3 of the Act of June 5, 1942 (50 U. S. C. 763 and 764 (e)), nor to officers and employees of the Foreign Service, Department of State**]** *officers and employees transferred in accordance with the provisions of the Foreign Service Act of 1946: Provided further*, That no part of such expenses (including those of officers and employees of the Foreign Service, Department of State) shall be allowed or paid from Government funds where the transfer is made primarily for the convenience or benefit of the officer or employee or at his request: *Provided further*, that in case of transfer from one department to another such expenses shall be payable from the funds of the department to which the officer or employee is transferred**[.]**: *And provided further*, That expenses of travel and transportation in connection with the transfer of officers and employees to posts of duty outside the continental limits of the United States and return therefrom shall be allowed to the same extent and subject to the same limitations prescribed for new appointees under section 7 of this Act.

(b) In lieu of the payment of actual expenses of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects, in the case of such transfers between points in continental United States, reimbursement shall be made to the officer or employee on a commuted basis (not to exceed the amount which would be allowable for the authorized weight allowance) at such rates per one hundred pounds as may be fixed by zones in regulations prescribed by the President.

(c) Funds available for travel expenses of civilian officers and employees shall also be available for the expenses of the transportation of their immediate families, and funds available for the transportation of things shall also be available for the transportation of household goods and effects, as authorized by this Act.



(d) When civilian officers and employeys of the United States are on duty at places designated by the heads of their respective departments or agencies as within zones from which their immediate families should be evacuated for military or other reasons which create imminent danger to life or property, or adverse living conditions seriously affecting the health, safety, or accommodations of said families, or upon transfer or assignment to duty of such civilian officers and employees to places where their immediate families are not, for the aforesaid reasons, permitted to accompany them, their immediate families and household goods may be transported at Government expense, under such regulations as the heads of their respective departments and agencies may prescribe, to such location as may be designated by the civilian officer or employee concerned or by the immediate families of such officers and employees when circumstances prevent the officers and employees from designating such location or when it is administratively impracticable to determine the intent of the officers or employees in this respect: *Provided, That if such location designated by either the officers or employees or their immediate families is within an area to which such movement is prohibited for the aforesaid reasons, an alternate location may be designated by either the officers or employees concerned or their immediate families: And provided further, That such immediate families and household goods may later be transported at Government expense from the designated location or alternate location authorized in this subsection to a duty station to which the officers or employees concerned are assigned, and to which the above restrictions do not apply.*

## SECTION 2

SECTION 7 OF THE ACT OF AUGUST 2, 1946 (60 STAT. 806; 5 U. S. C. 73B-3)

SEC. 7. Appropriations for the department shall be available, in accordance with regulations prescribed by the President, for expenses of travel of new appointees, expenses of transportation of their immediate families, and expenses of transportation of their household goods and personal effects from places of actual residence at time of appointment to places of employment outside continental United States, and for such expenses on return of employees from their posts of duty outside continental United States to the places of their actual residence at time of assignment to duty outside the United States: *[Provided, That such expenses shall not be allowed new appointees unless and until the person selected for appointment shall agree in writing to remain in the Government service for the twelve months following his appointment, unless separated for reasons beyond his control. In case of a violation of such agreement any moneys expended by the United States on account of such travel and transportation shall be considered as a debt due by the individual concerned to the United States.]* *Provided, That such expenses of travel and transportation to posts of duty outside the continental United States shall not be allowed unless and until the person selected for appointment shall agree in writing to remain in the Government service for twelve months following his appointment, unless separated for reasons beyond his control and acceptable to the department or agency concerned and in case of violation of such agreement any moneys expended by the United States on account of such travel and transportation shall be recoverable from the individual concerned as a debt due the United States: And provided further, That expenses of return travel and transportation upon separation from the service shall be allowed whether such separation is for the purposes of the Government or for personal convenience, but shall not be allowed unless such persons selected for appointment outside the continental United States shall have served for a minimum period of not less than one nor more than three years prescribed in advance by the head of the department or agency concerned or unless separation is for reasons beyond the control of the individual and acceptable to the department or agency concerned.* This section shall not apply to appropriations for the Foreign Service, State Department.

## SECTION 3 (A)

SECTION 3 OF THE ACT OF JUNE 5, 1942 (56 STAT. 314), AS AMENDED  
(50 APP. U. S. C. 763)

**[SEC. 3. (a)** That the Secretary of the Army is hereby authorized to effect appointments of civilian employees in the United States, or to effect the transfer of such employees in the Federal Service in the United States, for duty at any point outside the continental limits of the United States or in Alaska at which it may be found necessary to assign such civilian employees, and to pay the costs

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of transportation of such employees from the place of engagement in the United States, or from the present post of duty in the United States or in Alaska, if already in the Federal Service, to the post of duty outside the United States and return upon relief therefrom, and to provide for the shipment of personal effects of persons so appointed or transferred from the place of engagement or transfer to the post of duty outside the continental United States or in Alaska and return upon relief therefrom.

(b) When civilian employees are on duty at places designated by the Secretary of the Army as within zones from which their dependents should be evacuated for military reasons, or upon transfer or assignment to duty of such civilian employees to places where their dependents are not for military reasons permitted to accompany them, their dependents and household effects may be moved at Government expense under such regulations as the Secretary of the Army may prescribe, to such locations as may be designated by the employee concerned and later from such locations to a duty station to which the employee is assigned and at which the above restrictions do not apply: *Provided*, That the provisions of this subsection shall be applicable to travel performed by dependents and household effects moved on and after December 8, 1941.

(c) When civilian employees are assigned to temporary duty away from their permanent station on orders which do not provide for return to the permanent station, or which do not specify or imply any limit to the period of absence from the permanent station, their dependents and household effects may be moved at Government expense, under such regulations as the Secretary of the Army may prescribe, to such location in the United States as may be designated by the employee concerned and later from such location to a permanent duty station to which the employee is assigned, subject to such regulations as the Secretary of the Army may prescribe regarding the shipment of dependents into specified zones: *Provided*, That the provisions of this subsection shall be applicable to travel performed by dependents and household effects moved on and after December 8, 1941.】

SECTION 5 OF THE ACT OF JUNE 5, 1942 (56 STAT. 314), AS AMENDED (50 APP. U. S. C. SUP. III, 765)

【SEC. 5. That any funds available for the transportation of baggage, household effects and goods, shall be available for the transportation, packing, crating, and unpacking of such baggage, household effects and goods, in the manner and under such conditions of service of civilian personnel as the Secretary of the Army may prescribe and designate by regulations.】

### SECTION 3 (B)

SECTION 1 (A), SECOND PROVISIO, OF THE ACT OF AUGUST 2, 1946 (60 STAT. 806)

NOTE.—See second proviso of section 1, *supra*.

### SECTION 4

ACT OF AUGUST 2, 1946 (60 STAT. 806)

*Sec. 21. This Act may be cited as the "Administrative Expenses Act of 1946."*

### SECTION 5

ACT OF JUNE 20, 1878 (20 STAT. 216; 44 U. S. C. 322)

All advertisements, notices, proposals for contracts, and all forms of advertising required by law for the several departments of the Government may be paid for at a price not to exceed the commercial rates charged to private individuals, with the usual discounts 【; such rates to be ascertained from sworn statements to be furnished by the proprietors or publishers of the newspapers proposing so to advertise.】 But the heads of the several departments may secure lower terms at special rates whenever the public interest requires it.



SECTION 6

SECTION 4 OF THE ACT OF MAY 10, 1939 (53 STAT. 738; 31 U. S. C. 680A)

SEC. 4. That hereafter no part of this or any other appropriation for any executive department, establishment, or agency shall be used for the payment of long-distance telephone tolls except for the transaction of public business which the interests of the Government require to be so transacted [; and all such payments shall be supported by a certificate by the head of the department, establishment, or agency concerned, or such subordinates as he may specially designate, to the effect that the use of the telephone in such instances was necessary in the interest of the Government.]

SECTION 7 (A)

SECTION 2 OF THE ACT OF JUNE 30, 1906 (34 STAT. 762), AS AMENDED (31 U. S. C. 588)

[There shall be submitted in the regular annual estimates under and as a part of the expenses for "printing and binding," estimates for all printing and binding required by each of the executive departments, their bureaus and offices, and other Government establishments at Washington, District of Columbia, for each fiscal year; and no appropriations other than those made specifically and solely for printing and binding shall be used for such purposes in any executive department or other Government establishment in the District of Columbia: *Provided*, That nothing in this section shall apply to stamped envelopes, or envelopes and articles of stationery other than letterheads and noteheads, printed in the course of manufacture, or to so much of the printing and binding as is necessary to expedite the work of that branch of The Adjutant General's Office that was formerly known as the Record and Pension Office of the War Department.]

SECTION 7 (B)

SECTION 3661, REVISED STATUTES, AS AMENDED (31 U. S. C. 589)

[SEC. 3661. The head of each of the Executive Departments, and every other public officer who is authorized to have printing and binding done at the Government Printing Office for the use of his Department or public office, shall include in his annual estimate for appropriations for the next fiscal year such sum or sums as may to him seem necessary "for printing and binding, to be executed under the direction of the Public Printer."]

SECTION 8 (A)

SECTION 5 OF THE ACT OF AUGUST 15, 1876 (19 STAT. 169; 5 U. S. C. 45)

[SEC. 5. That the executive officers of the Government are hereby prohibited from employing any clerk, agent, engineer, draughtsman, messenger, watchman, laborer, or other employee, in any of the executive departments in the city of Washington, or elsewhere beyond provision made by law.]

SECTION 8 (B)

SECTION 4 OF THE ACT OF AUGUST 5, 1882 (22 STAT. 255)

SEC. 4. That no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall after the first day of October next be employed in any of the executive departments, or subordinate bureaus or offices thereof at the seat of government, except [only at such rates and in such numbers, respectively, as may be specifically appropriated for by Congress for such clerical and other personal services for each fiscal year; and no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall hereafter be employed at the seat of government in any executive department or subordinate bureau or office thereof or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation, and then only] for services actually rendered in connection with and for the pur-

## 18 AMEND ACT TO AUTHORIZE CERTAIN ADMINISTRATIVE EXPENSES

poses of the appropriation from which payment is made, and at the rate of compensation usual and proper for such services, and after the first day of October next section one hundred and seventy-two of the Revised Statutes, and all other laws and parts of laws inconsistent with the provisions of this act, and all laws and parts of laws authorizing the employment of officers, clerks, draughtsmen, copyists, messengers, assistant messengers, mechanics, watchmen, laborers, or other employees at a different rate of pay or in excess of the numbers authorized by appropriations made by Congress, be, and they are hereby, repealed; \* \* \*

### SECTION 9

ACT OF AUGUST 8, 1946 (60 STAT. 903; 5 U. S. C. 150)

That, for the purpose of promoting and maintaining the physical and mental fitness of employees of the Federal Government, the heads of departments and agencies, including Government-owned and controlled corporations are authorized, within the limits of appropriations [made] available [therefor] to them, to establish by contract or otherwise, health service programs which will provide health services for employees under their respective jurisdictions: \* \* \*

### SECTION 10

28 U. S. C. 2672, AS AMENDED (SUPP. III)

The head of each Federal agency, or his designee for the purpose, acting on behalf of the United States, may consider, ascertain, adjust, determine, and settle any claim for money damages of \$1,000 or less against the United States accruing on and after January 1, 1945, for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

Subject to the provisions of this title relating to civil actions on tort claims against the United States, any such award or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud.

Any award made pursuant to this section, and any award, compromise, or settlement made by the Attorney General pursuant to section 2677 of this title, shall be paid by the head of the Federal agency concerned out of [such agency's appropriations therefor, which appropriations are hereby authorized] *appropriations available to such agency.*

\* \* \* \* \*

### SECTION 11 (A)

ACT OF AUGUST 14, 1937 (50 STAT. 640), AS AMENDED (5 U. S. C. 17B)

[That] Civilian employees of the executive departments and independent establishments of the United States and employees of the District of Columbia who, upon original appointment, have subscribed to the oath of office required by section 1757 of the Revised Statutes, shall not be required to renew the said oath because of any change in status so long as their services are continuous in the [department or independent establishment in which employed] *Executive Branch* or in the government of the District of Columbia unless in the opinion the [head of the department or independent establishment] *Civil Service Commission* or the Commissioners of the District of Columbia, *as may be appropriate*, the public [interests require] *interest requires* such renewal.

### SECTION 11 (B)

SECTION 3 OF THE ACT OF JANUARY 31, 1925 (43 STAT. 803; 5 U. S. C. 17)

[SEC. 3. That employees of the Department of Agriculture who, upon original appointment, have subscribed to the oath of office required by section 1757 of the Revised Statutes shall not be required to renew the said oath because of any change in status so long as their services are continuous, unless, in the opinion of the Secretary of Agriculture, the public interests require such renewal.]

## AMEND ACT TO AUTHORIZE CERTAIN ADMINISTRATIVE EXPENSES 19

SECTION 3 OF THE ACT OF DECEMBER 11, 1926 (44 STAT. 919), AS AMENDED (5 U. S. C. 17A)

【SEC. 3. That employees of the Veterans' Administration who, upon original appointment, have subscribed to the oath of office required by Section 1757 of the Revised Statutes shall not be required to renew the said oath because of any change in status so long as their services are continuous, unless, in the opinion of the Administrator of Veterans' Affairs, the public interests require such renewal.】

### SECTION 12

SECTION 1 OF THE ACT OF DECEMBER 11, 1926 (44 STAT. 918), AS AMENDED (44 STAT. 1346, 5 U. S. C. 21A)

That each individual hereafter appointed as a civil officer of the United States by the President, by and with the advice and consent of the Senate, or by the President alone, or by a court of law, or by the head of a department, shall, within thirty days after the effective date of his appointment, file with 【the Comptroller General of the United States】 *the oath of office required by section 1757 of the Revised Statutes, as amended (5 U. S. C. 16)* an affidavit stating that neither he nor anyone acting in his behalf has given, transferred, promised, or paid any consideration for or in the expectation or hope of receiving assistance in securing such appointment.







# H. R. 9430

[Report No. 2984]

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 14, 1950

Mr. DAWSON introduced the following bill; which was referred to the Committee on Expenditures in the Executive Departments

AUGUST 23, 1950

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## A BILL

To amend the Act entitled "An Act to authorize certain administrative expenses in the Government service, and for other purposes", approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government service, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That subsection (a) of section 1 of the Act of August 2,  
4       1946 (60 Stat. 806), is amended by striking the phrase  
5       ", in the order directing the travel," and substituting therefor  
6       the words "or approved".

7       (b) The period at the end of subsection (a) of said  
8       section is changed to a colon and the following proviso is  
9       added thereto: "*And provided further, That expenses of*

1 travel and transportation in connection with the transfer of  
2 officers and employees to posts of duty outside the con-  
3 tinental limits of the United States and return therefrom  
4 shall be allowed to the same extent and subject to the same  
5 limitations prescribed for new appointees under section 7 of  
6 this Act.”

7 (c) A new subsection is added at the end of the said  
8 section, as follows:

9 “(d) When civilian officers and employees of the United  
10 States are on duty at places designated by the heads of their  
11 respective departments or agencies as within zones from  
12 which their immediate families should be evacuated for mili-  
13 tary or other reasons which create imminent danger to life or  
14 property, or adverse living conditions seriously affecting the  
15 health, safety, or accommodations of said families, or upon  
16 transfer or assignment to duty of such civilian officers and  
17 employees to places where their immediate families are not,  
18 for the aforesaid reasons, permitted to accompany them, their  
19 immediate families and household goods may be transported  
20 at Government expense, under such regulations as the heads  
21 of their respective departments and agencies may prescribe,  
22 to such location as may be designated by the civilian officer  
23 or employee concerned or by the immediate families of such  
24 officers and employees when circumstances prevent the  
25 officers and employees from designating such locations or

1 when it is administratively impracticable to determine the  
2 intent of the officers or employees in this respect: *Provided*,  
3 That if such location designated by either the officers or  
4 employees or their immediate families is within an area to  
5 which such movement is prohibited for the aforesaid reasons,  
6 an alternate location may be designated by either the officers  
7 or employees concerned or their immediate families: *And*  
8 *provided further*, That such immediate families and household  
9 goods may later be transported at Government expense from  
10 the designated location or alternate location authorized in this  
11 subsection to a duty station to which the officers or employees  
12 concerned are assigned, and to which the above restrictions  
13 do not apply.”

14 SEC. 2. Section 7 of the said Act of August 2, 1946  
15 (60 Stat. 806), is hereby amended by deleting the provisō  
16 at the end of the first sentence thereof, by deleting the second  
17 sentence, and by substituting the following therefor: “*Pro-*  
18 *vided*, That such expenses of travel and transportation to  
19 posts of duty outside the continental United States shall not  
20 be allowed unless and until the person selected for appoint-  
21 ment shall agree in writing to remain in the Government  
22 service for twelve months following his appointment, unless  
23 separated for reasons beyond his control and acceptable to  
24 the department or agency concerned and in case of violation  
25 of such agreement any moneys expended by the United



1 States on account of such travel and transportation shall  
2 be recoverable from the individual concerned as a debt due  
3 the United States: *And provided further*, That expenses of  
4 return travel and transportation upon separation from the  
5 service shall be allowed whether such separation is for the  
6 purposes of the Government or for personal convenience, but  
7 shall not be allowed unless such persons selected for appoint-  
8 ment outside the continental United States shall have served  
9 for a minimum period of not less than one nor more than  
10 three years prescribed in advance by the head of the depart-  
11 ment or agency concerned or unless separation is for reasons  
12 beyond the control of the individual and acceptable to the  
13 department or agency concerned.”

14 SEC. 3. (a) Sections 3 and 5 of the Act of June 5,  
15 1942 (56 Stat. 314), as amended (50 App. U. S. C. 763  
16 and 765), are hereby repealed.

17 (b) The second proviso of section 1 (a), Act of  
18 August 2, 1946 (60 Stat. 806), is hereby amended to read  
19 as follows: “*Provided further*, That the allowances herein  
20 authorized shall not be applicable to officers and employees  
21 transferred in accordance with the provisions of the Foreign  
22 Service Act of 1946”.

23 SEC. 4. The Act of August 2, 1946 (60 Stat. 806),  
24 entitled “An Act to authorize certain administrative expenses  
25 in the Government service, and for other purposes”, is hereby

1 amended by adding at the end thereof a new section as  
2 follows:

3 “SEC. 21. This Act may be cited as the ‘Administra-  
4 tive Expenses Act of 1946’.”

5 SEC. 5. There is hereby repealed so much of the eighth  
6 full paragraph on page 216 of volume 20 of the Statutes  
7 at Large, from the Act of June 20, 1878 (44 U. S. C. 322),  
8 as reads: “; such rates to be ascertained from sworn state-  
9 ments to be furnished by the proprietors or publishers of  
10 the newspapers proposing so to advertise”.

11 SEC. 6. There is hereby repealed so much of section 4  
12 of the Act of May 10, 1939 (53 Stat. 738, 31 U. S. C.  
13 680a), as reads: “; and all such payments shall be supported  
14 by a certificate by the head of the department, establish-  
15 ment, or agency concerned, or such subordinates as he may  
16 specially designate, to the effect that the use of the tele-  
17 phone in such instances was necessary in the interest of the  
18 Government”.

19 SEC. 7. There are hereby repealed—

20 (a) Section 2, as amended, of the Act of June 30, 1906  
21 (34 Stat. 762, 31 U. S. C. 588); and

22 (b) Section 3661, Revised Statutes (31 U. S. C. 589).

23 SEC. 8. There are hereby repealed—

24 (a) Section 5 of the Act of August 15, 1876 (19 Stat.  
25 169, 5 U. S. C. 45); and



1       (b) That portion of section 4 of the Act of August 5,  
2 1882 (22 Stat. 255), which reads as follows: “only at such  
3 rates and in such numbers, respectively, as may be specifi-  
4 cally appropriated for by the Congress for such clerical and  
5 other personal services for each fiscal year; and no civil  
6 officer, clerk, draughtsman, copyist, messenger, assistant  
7 messenger, mechanic, watchman, laborer, or other employee  
8 shall hereafter be employed at the seat of government in  
9 any executive department or subordinate bureau or office  
10 thereof or be paid from any appropriation made for con-  
11 tingent expenses, or for any specific or general purpose, unless  
12 such employment is authorized and payment therefor specifi-  
13 cally provided in the law granting the appropriation, and  
14 then only”.

15       SEC. 9. The Act of August 8, 1946 (60 Stat. 903, 5  
16 U. S. C. 150), is amended by striking the words “made  
17 available therefor” and substituting therefor the words  
18 “available to them”.

19       SEC. 10. The third paragraph of title 28, United States  
20 Code, section 2672, is amended by striking the words “such  
21 agency’s appropriations therefor, which appropriations are  
22 hereby authorized” and substituting therefor the words  
23 “appropriations available to such agency”.

24       SEC. 11. (a) The Act of August 14, 1937 (50 Stat.  
25 640, 5 U. S. C. 17b), is amended to read as follows:

1       “Civilian employees of the executive departments and  
2 independent establishments of the United States and em-  
3 ployees of the District of Columbia who, upon original ap-  
4 pointment, have subscribed to the oath of office required  
5 by section 1757 of the Revised Statutes, shall not be re-  
6 quired to renew the said oath because of any change in  
7 status so long as their services are continuous in the executive  
8 branch or in the government of the District of Columbia un-  
9 less in the opinion of the Civil Service Commission or the  
10 Commissioners of the District of Columbia, as may be appro-  
11 priate, the public interest requires such renewal.”

12       (b) There are hereby repealed—

13       (1) Section 3 of the Act of January 31, 1925 (43  
14 Stat. 803, 5 U. S. C. 17) ; and

15       (2) Section 3 of the Act of December 11, 1926 (44  
16 Stat. 919, 5 U. S. C. 17a) .

17       SEC. 12. Section 1, as amended, of the Act of December  
18 11, 1926 (44 Stat. 1346, 5 U. S. C. 21a) , is further amended  
19 by striking the words “the Comptroller General of the United  
20 States” and substituting therefor the words “the oath of  
21 office required by section 1757 of the Revised Statutes, as  
22 amended (5 U. S. C. 16) ”.

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# A BILL

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To amend the Act entitled "An Act to authorize certain administrative expenses in the Government service, and for other purposes", approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government service, and for other purposes.

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By Mr. DAWSON

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AUGUST 14, 1950

Referred to the Committee on Expenditures in the  
Executive Departments

AUGUST 23, 1950

Committed to the Committee of the Whole House on  
the State of the Union and ordered to be printed



feel, if we dispose of the conference report and the final deficiency bill by Friday that the legislation remaining on the program would call for a Saturday session. So I want that to appear in the RECORD, because my previous statement was a flat statement that there would be a Saturday session. There will be if we do not dispose of the final deficiency appropriation bill.

Mr. PHILLIPS of California. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. PHILLIPS of California. I want to ask just what the situation is regarding the printing of the bill. We have for the first time a one-package budget which means that we bring the entire bill with all of its 10 or more chapters to the floor at one time, not as in previous years, each department separately. There are many items in all sections in which various Members of the House are interested. My concern is, as I think expressed already by the gentleman from New York, about printed copies of the bill. Will there be printed copies of the bill and printed copies of the report available for all Members of the House when we discuss the conference report if it is brought in under the request made by the gentleman from Missouri?

Mr. CANNON. Mr. Speaker, in response to the inquiry of the gentleman from New York, which includes the inquiry of the gentleman from California, as both gentlemen are doubtless aware, that portion of the conference report on the chapter dealing with the Independent Offices appropriation to which the gentleman from New York has referred, is already in print and will be made available to the members of the committee this afternoon.

Mr. PHILLIPS of California. I am not asking specifically about that. Like all other Members of the House, there are items in other sections of the bill that we will not see until the conference report comes to the floor. Will there be a printed copy of the bill and printed copy of the report in our hands?

Mr. CANNON. As soon as sufficient copies can be secured from the Printing Office they will be made immediately available to all Members.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Iowa.

Mr. JENSEN. Several subcommittees have had conferences with the Senate and we have come to agreements on the amounts to be allowed for most departments. But there is one very important item that has not yet been decided, that is the question of the percentage cuts contained in the Byrd-Bridges amendment adopted by the Senate which calls for a 10 percent cut in some departments of the Government, and the Thomas-Taber-Jensen amendments which also provided for reductions in the cost of government which was passed by the House, also the foreign aid item has not yet been agreed to in conference. Will the conferees come to a meeting of minds as to what those percentage cuts shall be and will that all be included in the

conference report as it comes to the House under the request the gentleman from Missouri [Mr. CANNON] has just made so that the membership of the House will know what each of the thousands of items in the bill are to receive when we consider the conference report in the House?

Mr. CANNON. We meet in what I trust will be the final conference tomorrow morning. At that time the matters to which the gentleman refers will be taken up and disposed of and will be included in the conference report. No report will be brought to the House that is not complete or does not include all chapters of the bill. The material and information which the gentleman desires will be carried in the report when presented to the House.

Mr. JENSEN. Of course, it is customary after the full Appropriations Committee considers a bill that it lay over three legislative days in order to give the Congress and the American people an opportunity to know what is in the bill. The request of the gentleman would foreclose the Members of the House from having any time to study the bill as it comes out of conference; neither will it give the press an opportunity to inform the American people. Time is not so pressing to get out of here that we should be in such haste to pass this bill which amounts to considerably over \$30,000,000,000 without full consideration. I think the Members of Congress should know exactly what is in the conference report when it comes to the floor instead of bringing it to the floor incomplete.

Mr. CANNON. The 3 days to which the gentleman refers do not apply to conference reports. That applies to bills reported originally by the committee. Clause 2 of rule XXVIII, and that is the only provision that affects the situation, provides that a conference report shall be printed in the RECORD. There is no other provision for delay and none is customary under the practice of the House.

Mr. JENSEN. And shall lay over 1 day?

Mr. CANNON. It lies over 1 day when it is printed in the RECORD. That is why we are making this unanimous-consent request. I have conferred with the gentleman from New York, the ranking minority member of the Committee on Appropriations, and he is agreeable to taking up the conference report tomorrow if copies are provided in advance to members of the committee. We hope to dispose of it on tomorrow, and on the following day take up the last deficiency bill and dispose of that in 1 day, and so complete the appropriation program for the session.

Mr. JENSEN. The gentleman will admit that unless the conferees agree on these percentage cuts that are in the general provisions, and the gentleman knows the amendments that were offered in the House and Senate and passed by the House and Senate, to which I referred, along with the foreign-aid item, not a single Member of Congress will know exactly what any item is going to receive unless it is agreed to by the con-

ferees before the conference report comes to the House. Let us take an item for a thousand dollars, as an example; the conferees agree under the Taber - Thomas - Jensen - Byrd-Bridges amendments that the item should be cut 5 percent, so the amount will be \$950. But the Members will not know whether it will be a 5-percent cut or a 6-percent cut or a 10-percent cut or no cut, so we are appropriating in the dark unless the conferees bring in a complete bill on every chapter together including the proposed percentage cuts to which I have referred.

Mr. CANNON. I can assure the gentleman that no Member of the House will be asked to pass upon this conference report, or any part of it, until everyone has been afforded an opportunity to familiarize himself with every feature of the report.

Mr. TABER. May I ask one more question? Does the House act first upon this conference report or does the Senate?

Mr. CANNON. The House acts first. We have the papers and vote first.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. I have listened very carefully to the colloquy between the chairman of the committee and the gentleman from Iowa, and I failed to hear or understand that the deficiency bill will be printed and in the hands of the Members of this House before they are called upon to vote on it.

Mr. CANNON. It will be reported tomorrow but will not be taken up until the following day. Copies will be in the hands of my friend from Idaho tomorrow, and he will have from then until the following afternoon to study the bill in detail.

Mr. WHITE of Idaho. In other words, the printed copy of the conference report and the printed copy of the deficiency bill will be in the hands of the Members of Congress and can be studied by them before we are called upon to vote?

Mr. CANNON. Printed copies of both will be available to all Members of the House tomorrow.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. Is it not the gentleman's opinion that whatever the conference report may contain, it will be adopted; that there is no use talking about it?

Mr. CANNON. I trust that the conference report will be so satisfactory to all members of the Committee on Appropriations on both sides of the aisle and to all Members of the House as to meet with their complete approval.

Mr. HOFFMAN of Michigan. What the gentleman means is it does not make any difference how we vote over there, the conference report will be adopted anyway; is that it?



Mr. CANNON. If this House votes down the conference report it will not be adopted.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

#### FEDERAL-AID ROAD ACT

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7941) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916 (39 Stat. 355), as amended and supplemented, to authorize appropriations for continuing the construction of highways, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. WHITTINGTON, BUCKLEY of New York, LARCADE, FALLON, DONDERO, CUNNINGHAM, and MCGREGOR.

#### ADMINISTRATIVE EXPENSES IN THE GOVERNMENT SERVICE

Mr. DAWSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 9430) to amend the act entitled "An act to authorize certain administrative expenses in the Government service, and for other purposes," approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government service, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. DAWSON. I will be glad to. This is a bill that came before our committee. It had adequate hearings and it was voted out unanimously by all members of the committee with the recommendation that it be passed.

This bill is entitled a bill to amend the act entitled "An act to authorize certain administrative expenses in the Government service, and for other purposes," approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government service, and for other purposes. The bill by its provisions touches upon the question of transportation and travel for civilians in Government:

When civilian officers and employees of the United States are on duty at places designated by the heads of their respective departments or agencies as within zones from which their immediate families should be evacuated for military or other reasons which create imminent danger to life or property, or adverse living conditions seriously affecting the health, safety, or accommodations of said families, or upon transfer or assignment to duty of such civilian officers and employees to places where their immediate families are not, for the aforesaid reasons, permitted to accompany them, their immediate families and household goods may be transported at Government expense, under such regulations as the heads of their respective departments and agencies may prescribe.

Mr. MARTIN of Massachusetts. The gentleman means that the man has to live up to his year contract or he is obliged to return the money to the Treasury?

Mr. DAWSON. That is right. It makes it a debt that is recoverable.

Mr. MARTIN of Massachusetts. How does that differ from the procedure at the present time?

Mr. DAWSON. Well, it is not recoverable now by law.

Mr. MARTIN of Massachusetts. I understand the present law is that you have to live 3 years abroad before the Government will pay your expenses back.

Mr. DAWSON. Different departments have entered into different contracts. Sometimes it provides that a person shall stay for the period of a year, particularly, we will say, in Guam or Okinawa and places like that, where conditions are hazardous, or where the hardships are many. Then if they break their contract, after the Government has paid their expenses there, the Government can recover the money that it paid. This bill also makes provision that the Government may enter into a contract for foreign service up to 3 years with the same provision of travel and take care of transportation. If the parties then violate their contracts with the Government then the Government is not responsible for the travel.

Mr. MARTIN of Massachusetts. Then all this does is to help the Government recover some money?

Mr. DAWSON. It does, sir.

Mr. MARTIN of Massachusetts. And nothing else?

Mr. DAWSON. No, sir.

Mr. MARTIN of Massachusetts. And it extends from 1 year to 3 years the period in which the contract can be made?

Mr. DAWSON. It makes 3 years the maximum in which the Government might enter into a contract. That does not mean the parties have to return, but it means they can still go for another 3 years without the Government paying their transportation back. It is a matter of simplifying the contract of transportation and travel and simply gives legislative authority to what has been done and what is being done as a matter of regulation.

Mr. MARTIN of Massachusetts. Is this a unanimous report from the gentleman's committee?

Mr. DAWSON. This was a unanimous report, and it is supported by the Bureau of the Budget, the Department of the Army, and by the Comptroller General.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. HOFFMAN of Michigan. When the gentleman states that this is a unanimous report, what he means is that there was no record vote against the report.

This bill has some merit—a little. Of course, just as practically all legislation does today, it opens the door to the

payment of additional sums by the Government to individuals, in this case who are in the Federal employ. That is about what it amounts to.

Mr. MARTIN of Massachusetts. Will the gentleman explain that point a little more thoroughly?

Mr. HOFFMAN of Michigan. As to how it opens the door?

Mr. MARTIN of Massachusetts. Yes.

Mr. HOFFMAN of Michigan. Well, it lets a new class of employees have expenses when they come back. But I will say to the majority leader—

Mr. MARTIN of Massachusetts. I am on the minority.

Mr. HOFFMAN of Michigan. I will say as the ranking minority member of that committee that I can see nothing to be gained by opposing it. I have noticed over the last 8 to 10 years that this type of legislation which always increases the compensation to be paid Federal employees goes through, and I have learned that lesson. You know what the Bible says about "kicking against the pricks," and this is one of those cases and there is no use, and I am not objecting.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. HOLIFIELD. I would say that what the gentleman from Michigan says is correct, in that it brings a new class of evacuees under the obligation of the Government of the United States to pay for their transportation, such as occurred recently in Seoul, where civilian employees of the Government had to be evacuated. This provides that those people will be given transportation home. We feel it is a moral right that they should be given that transportation home.

Mr. MARTIN of Massachusetts. That is a little different from what the gentleman from Illinois first stated. He said that this would be to help the Government get some money.

Mr. DAWSON. It does help the Government get some money in one of its provisions, and I will come to another provision where it is for the purpose of taking care of civilian employees of Government who are in areas which the Government deems dangerous, either for military reasons or for reasons of health or hazardous for any other reason.

Mr. MARTIN of Massachusetts. How much money will this cost the Government?

Mr. DAWSON. To say how much it would cost, I could not answer that, because I do not contemplate there will be any additional cost, other than the expense we are now being put to as a result of now doing what this would authorize to be done. This gives legislative authority to cut through the red tape and to do what we are now doing.

Mr. MARTIN of Massachusetts. How are you getting the money to do it now? You say that you are not supposed to do it, but that you do do it. How are you doing it?

Mr. DAWSON. There are many things that are done through red tape where the authority rests generally with-



in the Department to take care of the situation. But when a situation develops such as now exists in Korea, you will recall that there were Americans there who were employed by the Government and you can recall the efforts to get those people out by our Government. You can recall that vessels were rushed there to bring them out. This merely gives legislative authority to take care of that class of people wherever it is deemed necessary.

Mr. MARTIN of Massachusetts. Those vessels would be owned by the Government, anyway, and they would be operating anyway.

Mr. DAWSON. Those vessels would be owned by the Government, yes. But suppose the Government did not own them. Suppose the Government had not owned some vessels which were necessary to evacuate those people, and we had to get them out, and they were not in the vicinity at the time. We still had to give them military protection and still had to get them out.

Mr. MARTIN of Massachusetts. And you did it?

Mr. DAWSON. We did it.

Mr. MARTIN of Massachusetts. Yes. You did it without the bill.

Mr. DAWSON. There are many things that we do in an emergency. An emergency at all times demonstrates the purpose of legislation.

Mr. MARTIN of Massachusetts. That is what I have been trying to get the gentleman to tell us, how we do it.

Mr. DAWSON. I think every Member of the Congress can bear us out on that.

Mr. HOFFMAN of Michigan. Mr. Speaker, further reserving the right to object, the bill not only covers evacuees and people who are in a situation where there is danger, but it covers Federal employees who go to these places, and when the gentleman from Massachusetts [Mr. MARTIN] asked about the cost, no one, at least in my opinion, can give you the answer worth the paper it is written on, because no one knows how many of these employees there are going to be, and if we continue to spread our activities all over the world, of course, there will be civilian employees of every branch of the Government there; and whether there are going to be a million of them or a hundred thousand or just several thousand, no one knows, and it will all depend upon the administrative policy. What we are doing is letting ourselves in for a situation where no one can estimate what the cost will be. But, as I said before, it has some merit; and, as the gentleman said, it gets these civilian employees this protection, and they have to be there a while before they can get their expenses to go back home. As I understand it, they cannot come oftener than once in 3 years. So there you are.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill as follows:

*Be it enacted, etc.,* That subsection (a) of section 1 of the act of August 2, 1946 (60 Stat. 806), is amended by striking the phrase

“, in the order directing the travel,” and substituting therefor the words “or approved.”

(b) The period at the end of subsection (a) of said section is changed to a colon and the following proviso is added thereto: “*And provided further,* That expenses of travel and transportation in connection with the transfer of officers and employees to posts of duty outside the continental limits of the United States and return therefrom shall be allowed to the same extent and subject to the same limitations prescribed for new appointees under section 7 of this act.”

(c) A new subsection is added at the end of the said section, as follows:

“(d) When civilian officers and employees of the United States are on duty at places designated by the heads of their respective departments or agencies as within zones from which their immediate families should be evacuated for military or other reasons which create imminent danger to life or property, or adverse living conditions seriously affecting the health, safety, or accommodations of said families, or upon transfer or assignment to duty of such civilian officers and employees to places where their immediate families are not, for the aforesaid reasons, permitted to accompany them, their immediate families and household goods may be transported at Government expense, under such regulations as the heads of their respective departments and agencies may prescribe, to such location as may be designated by the civilian officer or employee concerned or by the immediate families of such officers and employees when circumstances prevent the officers and employees from designating such locations or when it is administratively impracticable to determine the intent of the officers or employees in this respect: *Provided,* That if such location designated by either the officers or employees or their immediate families is within an area to which such movement is prohibited for the aforesaid reasons, an alternate location may be designated by either the officers or employees concerned or their immediate families; *And provided further,* That such immediate families and household goods may later be transported at Government expense from the designated location or alternate location authorized in this subsection to a duty station to which the officers or employees concerned are assigned, and to which the above restrictions do not apply.”

SEC. 2. Section 7 of the said act of August 2, 1946 (60 Stat. 806), is hereby amended by deleting the proviso at the end of the first sentence thereof, by deleting the second sentence, and by substituting the following therefor: “*Provided,* That such expenses of travel and transportation to posts of duty outside the continental United States shall not be allowed unless and until the person selected for appointment shall agree in writing to remain in the Government service for 12 months following his appointment, unless separated for reasons beyond his control and acceptable to the department or agency concerned and in case of violation of such agreement any moneys expended by the United States on account of such travel and transportation shall be recoverable from the individual concerned as a debt due the United States: *And provided further,* That expenses of return travel and transportation upon separation from the service shall be allowed whether such separation is for the purposes of the Government or for personal convenience, but shall not be allowed unless such persons selected for appointment outside the continental United States shall have served for a minimum period of not less than 1 nor more than 3 years prescribed in advance by the head of the department or agency concerned or unless separation is for reasons beyond the control of the individual and acceptable to the department or agency concerned.”

SEC. 3. (a) Sections 3 and 5 of the act of June 5, 1942 (56 Stat. 314), as amended (50 App. U. S. C. 763 and 765), are hereby repealed.

(b) The second proviso of section 1 (a), act of August 2, 1946 (60 Stat. 806), is hereby amended to read as follows: “*Provided further,* That the allowances herein authorized shall not be applicable to officers and employees transferred in accordance with the provisions of the Foreign Service Act of 1946.”

SEC. 4. The act of August 2, 1946 (60 Stat. 806), entitled “An act to authorize certain administrative expenses in the Government service, and for other purposes,” is hereby amended by adding at the end thereof a new section, as follows:

“SEC. 21. This act may be cited as the ‘Administrative Expenses Act of 1946.’”

SEC. 5. There is hereby repealed so much of the eighth full paragraph on page 216 of volume 20 of the Statutes at Large, from the act of June 20, 1878 (44 U. S. C. 322), as reads: “; such rates to be ascertained from sworn statements to be furnished by the proprietors or publishers of the newspapers proposing so to advertise.”

SEC. 6. There is hereby repealed so much of section 4 of the act of May 16, 1939 (53 Stat. 738, 31 U. S. C. 680a), as reads: “; and all such payments shall be supported by a certificate by the head of the department, establishment, or agency concerned, or such subordinates as he may specially designate, to the effect that the use of the telephone in such instances was necessary in the interest of the Government.”

SEC. 7. There are hereby repealed—

(a) Section 2, as amended, of the act of June 30, 1906 (34 Stat. 762, 31 U. S. C. 588); and

(b) Section 3661, Revised Statutes (31 U. S. C. 589).

SEC. 8. There are hereby repealed—

(a) Section 5 of the act of August 15, 1876 (19 Stat. 169, 5 U. S. C. 45); and

(b) That portion of section 4 of the act of August 5, 1882 (22 Stat. 255), which reads as follows: “only at such rates and in such numbers, respectively, as may be specifically appropriated for by the Congress for such clerical and other personal services for each fiscal year; and no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall hereafter be employed at the seat of government in any executive department or subordinate bureau or office thereof or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation, and then only.”

SEC. 9. The act of August 8, 1946 (60 Stat. 903, 5 U. S. C. 150), is amended by striking the words “made available therefor” and substituting therefor the words “available to them.”

SEC. 10. The third paragraph of title 28, United States Code, section 2672, is amended by striking the words “such agency’s appropriations therefor, which appropriations are hereby authorized” and substituting therefor the words “appropriations available to such agency.”

SEC. 11. (a) The act of August 14, 1937 (50 Stat. 640, 5 U. S. C. 17b), is amended to read as follows:

“Civilian employees of the executive departments and independent establishments of the United States and employees of the District of Columbia who, upon original appointment, have subscribed to the oath of office required by section 1757 of the Revised Statutes, shall not be required to renew the said oath because of any change in status so long as their services are continuous in



the executive branch or in the government of the District of Columbia unless in the opinion of the Civil Service Commission or the Commissioners of the District of Columbia, as may be appropriate, the public interest requires such renewal."

(b) There are hereby repealed—

(1) Section 3 of the act of January 31, 1925 (43 Stat. 803, 5 U. S. C. 17); and

(2) Section 3 of the act of December 11, 1926 (44 Stat. 919, 5 U. S. C. 17a).

SEC. 12. Section 1, as amended, of the act of December 11, 1926 (44 Stat. 1346, 5 U. S. C. 21a), is further amended by striking the words "the Comptroller General of the United States" and substituting therefor the words "the oath of office required by section 1757 of the Revised Statutes, as amended (5 U. S. C. 16)."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### DISTRICT JUDGE FOR THE DISTRICT OF DELAWARE

Mr. BYRNE of New York. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 6836) to repeal the prohibition against the filling of a vacancy in the office of district judge for the District of Delaware.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 6836, with Mr. GRANT of Alabama in the chair.

The Clerk read the title of the bill.

By unanimous consent the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule the gentleman from New York [Mr. BYRNE] will be recognized for 30 minutes and the gentleman from Michigan [Mr. MICHENER] will be recognized for 30 minutes.

[Mr. BYRNE of New York addressed the Committee. His remarks will appear hereafter in the Appendix.]

Mr. MICHENER. Mr. Chairman, I yield 7 minutes to the gentleman from Delaware [Mr. BOGGS], author of this bill.

(Mr. BOGGS of Delaware asked and was given permission to revise and extend his remarks.)

Mr. BOGGS of Delaware. Mr. Chairman, the distinguished chairman of the subcommittee, the gentleman from New York [Mr. BYRNE] has made a splendid statement of the facts in support of this bill. He has hit the high spots, and I shall not attempt to repeat the important points which he presented for consideration, but, rather, will try to supplement the points he has made by way of answer to certain of the arguments made heretofore against these judgeship bills.

First, may I say that this bill does not create a new judgeship. It simply makes permanent the temporary judgeship already existing in Delaware. We have two judges at the present time, and we will only have two judges on a permanent basis if this bill should be enacted into law. That is an important consideration because in the previous discussions

of the various bills which have been before this body it has been pointed out by way of objection to them that passage of the bill would necessitate a new courthouse, a new marshal, new clerks, a new staff, and so forth, but that objection would not apply in this case due to the fact we are not creating a new court. This is only making permanent a judgeship in an already existing court. There are no facilities required in this case.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. BOGGS of Delaware. I yield to the gentleman from Illinois.

Mr. JONAS. I understand there is one judge unable to function; is that right?

Mr. BOGGS of Delaware. Yes; that is so for the time being.

Mr. JONAS. Was not the statement made here that one judge is seriously ill?

Mr. BOGGS of Delaware. I am glad the gentleman asked that question. Just a few days ago the senior judge attending a judicial conference meeting in the third circuit was stricken with a heart attack, a very serious one. I am glad to report that at this moment his condition is improving rapidly. It certainly had us upset up there, and it emphasizes the importance of this legislation at this time.

Mr. JONAS. It would show that if something should happen to him, that the gentleman's bill is in the nature of an emergency, and not a routine matter.

Mr. BOGGS of Delaware. I think it is. The remarks I will make will further amplify the gentleman's statement and I thank him for it.

It has been pointed out in the course of debate here in the past that the office of administrative director could assign from various other jurisdictions any United States judge who was not too busy to another district or another circuit in order to help catch up with the work. I certainly approve of that method and think it is a splendid thing to do and that we should utilize it to the maximum; however, as has been pointed out so ably by the distinguished chairman of the subcommittee, the gentleman from New York [Mr. BYRNE] these cases in Delaware run from 8 to 13 months in trial work alone and you cannot, therefore, ask any judge to leave his own district for that period of time. It would be unreasonable to expect him to do it. The litigants and the citizens of his own district would not tolerate it. So I do not think that objection would apply in this particular instance.

Mr. TACKETT. Mr. Chairman, will the gentleman yield?

Mr. BOGGS of Delaware. I yield to the gentleman from Arkansas.

Mr. TACKETT. It appears that in 1949 there were two judges in Delaware and that the total civil cases per judge was 58; then in the next paragraph it says "84 districts—217." What does that mean? That is on page 8 of the report, the top group of figures.

Mr. BOGGS of Delaware. I think that means the total number of civil cases coming before the court. I am frank to admit that the total number of cases

numberwise in the Delaware courts is not as much as it may be in some of the other jurisdictions.

Mr. TACKETT. May I ask this question. What is the population of the State of Delaware?

Mr. BOGGS of Delaware. Approximately 320,000.

Mr. TACKETT. And there are two judges there now, and this is to make the second judgeship permanent; is that correct?

Mr. BOGGS of Delaware. That is absolutely correct.

Let me emphasize a point on that to my distinguished friend from Arkansas. As far as litigation coming from within the State of Delaware and the citizens of the State of Delaware, two judges would not be important at all, but if you will notice these cases, they are not Delaware cases as such. Here is a case, the Zenith Radio Corp. against RCA, General Electric, Western Electric, American Telephone & Telegraph Co. Bell Telephone Laboratories, and Westinghouse Electric Co. That case is expected to require trial time of 8 months to 1 year. I suppose the citizens of Delaware have about the same interest in that case that the citizens throughout the United States would have in it, because the citizens throughout the United States are stockholders and, as such, are interested parties to suits by these great giant corporations.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BOGGS of Delaware. I yield to the gentleman from Iowa.

Mr. GROSS. Why does the State of Delaware have such liberal incorporation laws? Is it profitable to the State?

Mr. BOGGS of Delaware. Let me answer that briefly. There are a lot of aspects to it. But, it has been one of Delaware's outstanding characteristic that we maintain a very low tax rate, and I think that the costs of incorporation and the annual fees and the taxes paid for that purpose are as agreeable and favorable to the corporation business as in any other State.

Mr. GROSS. Of course, without those laws and litigation that those laws invite, you would have no need for another Federal judge there.

Mr. BOGGS of Delaware. Let me answer that by saying that the laws involved here which this court is called upon to interpret, do not involve Delaware laws, but the laws of the United States. For example, the Public Utility Holding Company Act, involving \$15,000,000,000 industry reorganization, had required the attention of the judges in that district for many, many months, and the courts have rendered over 60 different opinions.

Mr. GROSS. But it is true, is it not, that your State laws invite the corporations?

Mr. BOGGS of Delaware. Our State laws do invite corporations.

Mr. GROSS. Just as the laws of Nevada invite divorce actions.

Mr. BOGGS of Delaware. I presume you might say that.

Mr. LANE. Mr. Chairman, will the gentleman yield?







# H. R. 9430

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## IN THE SENATE OF THE UNITED STATES

AUGUST 24 (legislative day, JULY 20), 1950

Read twice and referred to the Committee on Expenditures in the Executive Departments

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## AN ACT

To amend the Act entitled "An Act to authorize certain administrative expenses in the Government service, and for other purposes", approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government service, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*  
3        That subsection (a) of section 1 of the Act of August 2,  
4        1946 (60 Stat. 806), is amended by striking the phrase  
5        " , in the order directing the travel," and substituting therefor  
6        the words "or approved".

7        (b) The period at the end of subsection (a) of said  
8        section is changed to a colon and the following proviso is  
9        added thereto: "*And provided further,* That expenses of  
10       travel and transportation in connection with the transfer of  
11       officers and employees to posts of duty outside the con-  
12       tinental limits of the United States and return therefrom

1 shall be allowed to the same extent and subject to the same  
2 limitations prescribed for new appointees under section 7 of  
3 this Act.”

4 (c) A new subsection is added at the end of the said  
5 section, as follows:

6 “(d) When civilian officers and employees of the United  
7 States are on duty at places designated by the heads of their  
8 respective departments or agencies as within zones from  
9 which their immediate families should be evacuated for mili-  
10 tary or other reasons which create imminent danger to life or  
11 property, or adverse living conditions seriously affecting the  
12 health, safety, or accommodations of said families, or upon  
13 transfer or assignment to duty of such civilian officers and  
14 employees to places where their immediate families are not,  
15 for the aforesaid reasons, permitted to accompany them, their  
16 immediate families and household goods may be transported  
17 at Government expense, under such regulations as the heads  
18 of their respective departments and agencies may prescribe,  
19 to such location as may be designated by the civilian officer  
20 or employee concerned or by the immediate families of such  
21 officers and employees when circumstances prevent the  
22 officers and employees from designating such locations or  
23 when it is administratively impracticable to determine the  
24 intent of the officers or employees in this respect: *Provided,*  
25 That if such location designated by either the officers or

1 employees or their immediate families is within an area to  
2 which such movement is prohibited for the aforesaid reasons,  
3 an alternate location may be designated by either the officers  
4 or employees concerned or their immediate families: *And*  
5 *provided further*, That such immediate families and house-  
6 hold goods may later be transported at Government expense  
7 from the designated location or alternate location authorized  
8 in this subsection to a duty station to which the officers or  
9 employees concerned are assigned, and to which the above  
10 restrictions do not apply.”

11 SEC. 2. Section 7 of the said Act of August 2, 1946  
12 (60 Stat. 806), is hereby amended by deleting the proviso  
13 at the end of the first sentence thereof, by deleting the second  
14 sentence, and by substituting the following therefor: “*Pro-*  
15 *vided*, That such expenses of travel and transportation to  
16 posts of duty outside the continental United States shall not  
17 be allowed unless and until the person selected for appoint-  
18 ment shall agree in writing to remain in the Government  
19 service for twelve months following his appointment, unless  
20 separated for reasons beyond his control and acceptable to  
21 the department or agency concerned and in case of violation  
22 of such agreement any moneys expended by the United  
23 States on account of such travel and transportation shall  
24 be recoverable from the individual concerned as a debt due  
25 the United States: *And provided further*, That expenses of



1 return travel and transportation upon separation from the  
2 service shall be allowed whether such separation is for the  
3 purposes of the Government or for personal convenience, but  
4 shall not be allowed unless such persons selected for appoint-  
5 ment outside the continental United States shall have served  
6 for a minimum period of not less than one nor more than  
7 three years prescribed in advance by the head of the depart-  
8 ment or agency concerned or unless separation is for reasons  
9 beyond the control of the individual and acceptable to the  
10 department or agency concerned.”

11 SEC. 3. (a) Sections 3 and 5 of the Act of June 5,  
12 1942 (56 Stat. 314), as amended (50 App. U. S. C. 763  
13 and 765), are hereby repealed.

14 (b) The second proviso of section 1 (a), Act of  
15 August 2, 1946 (60 Stat. 806), is hereby amended to read  
16 as follows: “*Provided further*, That the allowances herein  
17 authorized shall not be applicable to officers and employees  
18 transferred in accordance with the provisions of the Foreign  
19 Service Act of 1946.

20 SEC. 4. The Act of August 2, 1946 (60 Stat. 806),  
21 entitled “An Act to authorize certain administrative expenses  
22 in the Government service, and for other purposes”, is hereby  
23 amended by adding at the end thereof a new section as  
24 follows:



1       “SEC. 21. This Act may be cited as the ‘Administra-  
2   tive Expenses Act of 1946’.”

3       SEC. 5. There is hereby repealed so much of the eighth  
4   full paragraph on page 216 of volume 20 of the Statutes  
5   at Large, from the Act of June 20, 1878 (44 U. S. C. 322),  
6   as reads: “; such rates to be ascertained from sworn state-  
7   ments to be furnished by the proprietors or publishers of  
8   the newspapers proposing so to advertise”.

9       SEC. 6. There is hereby repealed so much of section 4  
10   of the Act of May 10, 1939 (53 Stat. 738, 31 U. S. C.  
11   680a), as reads: “; and all such payments shall be sup-  
12   ported by a certificate by the head of the department, estab-  
13   lishment, or agency concerned, or such subordinates as he  
14   may specially designate, to the effect that the use of the  
15   telephone in such instances was necessary in the interest of  
16   the Government”.

17       SEC. 7. There are hereby repealed—

18       (a) Section 2, as amended, of the Act of June 30, 1906  
19   (34 Stat. 762, 31 U. S. C. 588) ; and

20       (b) Section 3661, Revised Statutes (31 U. S. C. 589) .

21       SEC. 8. There are hereby repealed—

22       (a) Section 5 of the Act of August 15, 1876 (19 Stat.  
23   169, 5 U. S. C. 45) ; and

24       (b) That portion of section 4 of the Act of August 5,  
25   1882 (22 Stat. 255), which reads as follows: “only at such

1 rates and in such numbers, respectively, as may be specifi-  
2 cally appropriated for by the Congress for such clerical and  
3 other personal services for each fiscal year; and no civil  
4 officer, clerk, draughtsman, copyist, messenger, assistant  
5 messenger, mechanic, watchman, laborer, or other employee  
6 shall hereafter be employed at the seat of government in  
7 any executive department or subordinate bureau or office  
8 thereof or be paid from any appropriation made for con-  
9 tingent expenses, or for any specific or general purpose, unless  
10 such employment is authorized and payment therefor specifi-  
11 cally provided in the law granting the appropriation, and  
12 then only”.

13 SEC. 9. The Act of August 8, 1946 (60 Stat. 903, 5  
14 U. S. C. 150), is amended by striking the words “made  
15 available therefor” and substituting therefor the words  
16 “available to them”.

17 SEC. 10. The third paragraph of title 28, United States  
18 Code, section 2672, is amended by striking the words “such  
19 agency’s appropriations therefor, which appropriations are  
20 hereby authorized” and substituting therefor the words  
21 “appropriations available to such agency”.

22 SEC. 11. (a) The Act of August 14, 1937 (50 Stat.  
23 640, 5 U. S. C. 17b), is amended to read as follows:

24 “Civilian employees of the executive departments and  
25 independent establishments of the United States and em-

1 ployees of the District of Columbia who, upon original ap-  
2 pointment, have subscribed to the oath of office required  
3 by section 1757 of the Revised Statutes, shall not be re-  
4 quired to renew the said oath because of any change in  
5 status so long as their services are continuous in the executive  
6 branch or in the government of the District of Columbia un-  
7 less in the opinion of the Civil Service Commission or the  
8 Commissioners of the District of Columbia, as may be appro-  
9 priate, the public interest requires such renewal.”

10 (b) There are hereby repealed—

11 (1) Section 3 of the Act of January 31, 1925 (43  
12 Stat. 803, 5 U. S. C. 17) ; and

13 (2) Section 3 of the Act of December 11, 1926 (44  
14 Stat. 919, 5 U. S. C. 17a) .

15 SEC. 12. Section 1, as amended, of the Act of December  
16 11, 1926 (44 Stat. 1346, 5 U. S. C. 21a) , is further amended  
17 by striking the words “the Comptroller General of the  
18 United States” and substituting therefor the words “the oath  
19 of office required by section 1757 of the Revised Statutes, as  
20 amended (5 U. S. C. 16) ”.

Passed the House of Representatives August 23, 1950.

Attest:

RALPH R. ROBERTS,

*Clerk.*

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## AN ACT

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To amend the Act entitled "An Act to authorize certain administrative expenses in the Government service, and for other purposes", approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government service, and for other purposes.

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August 24 (legislative day, July 20), 1950

Read twice and referred to the Committee on  
Expenditures in the Executive Departments







AMENDING THE ACT ENTITLED "AN ACT TO AUTHORIZE CERTAIN ADMINISTRATIVE EXPENSES IN THE GOVERNMENT SERVICE, AND FOR OTHER PURPOSES," APPROVED AUGUST 2, 1946 (60 STAT. 806) TO SIMPLIFY ADMINISTRATION IN THE GOVERNMENT SERVICE

AUGUST 30 (legislative day, JULY 20), 1950.—Ordered to be printed

Mr. McCLELLAN, from the Committee on Expenditures in the Executive Departments, submitted the following

## REPORT

[To accompany H. R. 9430]

The Committee on Expenditures in the Executive Departments, to whom was referred the bill, H. R. 9430, to amend the act entitled "An act to authorize certain administrative expenses in the Government service, and for other purposes," approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government service, and for other purposes, having considered the same, report favorably thereon with amendments, and recommend that the bill do pass.

The amendments are as follows:

Page 1, line 3, after the word "that" insert "(a)"; strike out sections 6 (p. 5, lines 9 through 16, incl.) and 11 (p. 6, lines 22 through 25, and p. 7, lines 1 through 14), and renumber other sections accordingly.

Section 6 of the House bill eliminated the requirement for a special certificate on each voucher covering payment for long-distance telephone tolls. The committee was of the opinion that these special certificates served a useful purpose and their elimination might tend to encourage misuse of telephone facilities by Government employees.

Section 11 provided for the elimination of the provision of law requiring a new oath when an employee transfers from a position in one agency to a position in another agency in the executive branch, as now permitted in the case of continuous service within an agency. The committee in striking out this section did so on the premise that new oaths should be required in positions involving national security and might eliminate necessary precautions now required by law in regard to such oaths when employees are transferred from one agency to another.

## GENERAL STATEMENT

Public Law 600 of the Seventy-ninth Congress (act of August 2, 1946, 60 Stat. 806) was characterized in the report of this committee as "a bill to eliminate Government red tape." This bill, which amends and supplements Public Law 600, contains further provisions for the elimination of Government red tape.

On January 4, 1949, the Comptroller General of the United States submitted a 100-page report entitled "A Study of Restrictions on Expenditures of Appropriated Funds" to the Congress, which was referred to the Committee on Expenditures in the Executive Departments, in conformity with section 205 of the Legislative Reorganization Act of 1946 (60 Stat. 837), authorizing and directing the Comptroller General to make a full and complete study of restrictions placed in general appropriations acts limiting the expenditure of specified appropriations therein, with a view to determining the cost to the Government incident to complying with such restrictions and such other recommendations as may be deemed necessary or desirable. This report included a total of 53 provisions contained in appropriation acts and 23 in permanent legislation which limited or restricted the expenditure of appropriated funds.

The report was compiled on the basis of information furnished by 52 Federal agencies which reported a total cost of \$1,940,840 as necessary to conform with restrictions. The provisions in the report were broken down into categories which the GAO recommended should (1) be abolished, (2) be changed, (3) be included in permanent statutory law, and (4) those on which no changes or recommendations were made.

The chairman of the committee transmitted a letter on January 30, 1950, to the Bureau of the Budget and to the General Accounting Office requesting their further cooperation in the preparation of legislation designed to include in permanent law restrictions repeated in various annual appropriation acts as listed in the report of January 4, 1949, and repeal or perfecting provisions to eliminate unnecessary provisions of existing law, to be accompanied by recommendations and comments as to the proposed statutory changes.

In accordance with this request, and to implement the recommendations, a bill was drafted by the General Accounting Office, the Bureau of the Budget, and the Treasury Department, and submitted to the committee on June 5, 1950, by the Director of the Bureau of the Budget. The draft incorporated only 10 provisions as compared to a total of 76 suggested by the Comptroller General in his original report. The other 66 were not included as most of them had been corrected by amendments in appropriation acts or through the enactment of other legislation. This bill was introduced by Senator McClellan as S. 4002 on August 2, 1950, and the subject bill has been substituted therefor. The committee amended the bill further to strike out sections 6 and 11 of H. R. 9430 as passed by the House.

The amendments and additions to Public Law 600 which would be made by this bill are based upon (1) experience with the administration of Public Law 600, and developments which have occurred since it was enacted in 1946; (2) the results of a study made by the Comptroller General of the United States pursuant to a requirement of the Legislative Reorganization Act of 1946; and (3) the studies of the



Hoover Commission on Organization of the Executive Branch of the Government.

Public Law 600 represented the first attempt to provide a Government-wide method of dealing with expenses of travel of employees, transportation of dependents, and shipment of household effects on permanent change of station, and for payment of expenses of persons appointed for duty overseas. Experience indicates that provisions of that law should be broadened to provide for evacuation of civilian employees for military or other reasons which make it necessary or desirable to remove them or their families from their designated posts of duty; and to provide protection for the Government in cases where it pays expenses of certain civilian employees to posts of duty abroad.

Experience with Public Law 600 also has demonstrated that simplifications made possible by the act in certain fields can be extended to other fields, as further developed later in this report.

#### RELATED BILLS

S. 3971: The Secretary of Defense transmitted to the Congress under date of July 21, 1950, a bill entitled "An act to authorize certain administrative expenses in the Government service, and for other purposes," approved August 2, 1946 (60 Stat. 806), which has for its purpose an expansion of section 1 of the above bill (S. 4002). The bill was introduced in the Senate by Senator Tydings (S. 3971) and referred to the Committee on Expenditures. To the letter of transmittal was attached justifications relating to the transportation of civilian employees to posts of duty outside the continental United States.

Two main purposes of this bill were stated to be (1) to clarify the scope of the original act insofar as payment of return transportation upon completion of employment agreement is concerned, and (2) to incorporate into permanent law the temporary authority of section 3 (b), act of June 5, 1942 (56 Stat. 314), for the evacuation of dependents of civilian employees from military zones.

The bill would extend existing law to specify that persons transferred to positions overseas shall receive the same transportation benefits as new appointees as enumerated in section 7 of the original act, and would revise section 7 to specify that employees selected for overseas service will be entitled to transportation at Government expense to their post of duty upon agreement to remain there for 1 year, and to return transportation regardless of the reasons of separation upon completion of the period of employment specified in advance, not to exceed 3 years. It repeals a portion of the act of June 5, 1942, which would no longer be needed if the bill is enacted, and amends the basic act to specify that it shall not apply to certain agencies, as requested by the Bureau of the Budget.

This bill also includes a provision which would insure that incumbent employees transferred for duty abroad, as well as new employees recruited for such duty, would be indebted to the United States for moneys expended by the Government on account of the transfer in the event they failed to complete their agreed period of service.

S. 4001: This bill, introduced by Senator Sparkman on August 1, 1950, would also amend section 1 of the act of August 2, 1946, and provides "that for good cause, upon authorization of the head of any

department concerned, expenses of transportation of the immediate family of any employee from the post of duty of such employee outside the continental United States to the place of actual residence shall be allowed prior to the return of such employee to the United States."

This bill would simplify administration of the act and would permit travel return of families of employees assigned abroad if conditions compelled the return before the employees' service had expired.

Agencies commenting on the three bills outlined above prefer S. 3971 to S. 4001, and recommend the approval of the former. Some of them also suggested that section 1 of S. 4002 should be amended to include the language of S. 3971.

The subject bill, which was passed by the House on August 23, incorporates all the provisions of the original bill, S. 4002, with perfecting amendments, and includes in section 1 thereof new subsections (b) and (c) and new sections 2 and 3, incorporating the provisions of S. 3971, with perfecting amendments suggested by the various agencies, with a change in sequence of other sections of the bill as originally contained in S. 4002. In addition, the committee struck out sections 6 and 11 in H. R. 9430, as approved by the House.

#### HOOVER COMMISSION RECOMMENDATIONS

The Commission on Organization of the Executive Branch of the Government, in its report on budgeting and accounting (p. 12), stated that—

\* \* \* In spite of recent simplifications, the language of some appropriation items remains a jungle of detailed provisions. Many of these detailed prescriptions would seem to be susceptible of more or less uniform treatment in codified form.

This bill would permit the elimination from appropriation language of many useless phrases which are required under existing law, and thus permit elimination from appropriation acts of a large portion of the "jungle of detailed provisions" which the Commission has criticized.

#### PURPOSES OF THE BILL

The bill (subsec. (a) of sec. 1), would permit expenses incurred by employees ordered to make a permanent change of station to be paid whether the change of station and payment of expenses is authorized in advance, as required by present law, or subsequently approved; provide (subsecs. (b), and (c) of sec. 1, and secs. 2 and 3, originally S. 3971) uniform statutory authority for civilian as well as military agencies of the Government to remove civilian employees and their dependents from areas from which they must be evacuated for military or other reasons; provide uniform travel and transportation allowances for employees recruited for, or transferred to, posts of duty outside the continental United States; and insure that the United States will have the right to recover expenses paid in connection with the transfer of an incumbent employee to a post of duty outside the continental United States if he should fail to serve his agreed term at such post in the same manner as provided by existing law with respect to new employees appointed to such a post.

Also, the bill would simplify the requirements for payment of vouchers covering charges for newspaper advertising by eliminating



certain special certificates, now required in connection with such vouchers, which duplicate general certificates required in connection with all vouchers. It would repeal those provisions of law requiring specific mention in appropriation acts of authority to make expenditures for printing and binding, personal services in the District of Columbia, health-service programs, and payment of tort claims, thus placing expenditures for those purposes in the same category as expenditures for any other items; that is, expenditures for such purposes would be covered by the general terms of the appropriation language making funds available for necessary expenses and leaving the question as to the necessity for any particular item to be determined in the first instance by the agency head and in the last analysis by the Comptroller General. This will not in any manner affect the existing right of the Congress to impose, in the appropriation acts, any limitations which it may deem necessary on the use of funds for those purposes.

#### COMPTROLLER GENERAL'S RECOMMENDATIONS

The committee has been careful to guard against the possibility that, in attempting to simplify administration, the interests of the Government may be slighted. Testimony before the committee, and the other information supplied by representatives of the agencies concerned, clearly indicates that the proposed simplifications will not in any way lessen the control of Congress over the use of appropriations nor adversely affect the Government's interest. In all of these matters, the views of the Comptroller General have been carefully considered, as shown in more detail in the section-by-section analysis which follows.

#### EXPLANATION BY SECTIONS

##### *Section 1*

(a) Subsection 1 (a) of the act of August 2, 1946 (60 Stat. 806, 5 U. S. C. 73b-1 (a)) now authorizes payment of travel expenses of employees, transportation of their families and shipment of their household effects upon transfer from one official station to the other at the convenience of the Government only "when authorized, in the order directing the travel." Subsection 1 (a) of the present bill would substitute for those words the words "authorized or approved." That amendment would permit reimbursement to employees for expenses of their travel, the cost of transportation of their families, and shipment of their household effects upon transfer in cases where authority to incur those expenses inadvertently might be omitted from the original orders, or where no formal order was issued in advance. Normally orders covering such expenses are and should be issued in advance, but it must be recognized that circumstances occasionally make that impossible.

There have been many instances under the present law where hardship has resulted because employees have been directed by their superiors to transfer from one permanent-duty station to another only to find that the expenses necessarily incurred by them in effecting the change of station could not be reimbursed because no authorization for incurring such expenses had been issued prior to the performance of the travel. The injustice suffered by employees in those

cases frequently is aggravated by the fact that the failure to issue proper and complete orders results from emergency situations in which the employee has complied with the orders of his superiors at considerable personal inconvenience.

(b) Subsection 1 (b) of the bill places Government employees who transfer to positions outside the continental United States in the same relative position so far as travel and transportation expenses are concerned, as persons initially appointed for duty outside the United States (see the explanation of sec. 2). Under present law, a Government employee transferred for duty outside the continental United States is not required to remain in Government service for any particular period after his transfer in order to avoid being liable for the expenses of his transfer. The provisions of this section also would insure that incumbent employees transferred for duty abroad, as well as new employees recruited for such duty, would be indebted to the United States for any moneys expended by the Government on account of the transfer in the event they failed to complete their agreed period of service.

(c) Subsection 1 (c) authorizes the Government, under regulations to be prescribed by the heads of the respective departments or agencies, to bear the expenses of transporting an employee's family and household goods to a location designated by the employee whenever for military or other reasons stated in the section it is found necessary by the head of the department or agency concerned to evacuate families from certain zones or to prohibit the family from accompanying the employee to such a zone. In certain instances the location may be designated by the immediate family. Alternate locations may be fixed by the family where the originally designated location is within an area to which movement of the family is prohibited. Provision also is made for the later shipment of the family and household goods to an assigned duty station of the employee where there are no restrictions.

### *Section 2*

Under present law (sec. 7 of Public Law 600, approved August 2, 1946, 60 Stat. 806) a person newly appointed for duty outside the continental United States is required to agree in writing to remain in Government service for an agreed period of at least 12 months following his appointment unless separated for reasons beyond his control before the outgoing expenses of transporting himself, immediate family, and household and personal effects may be allowed. Section 2 amends the present law so as to make the Government's assumption of the return expenses of transportation dependent upon the employees serving an agreed period of time of not less than 1 year and not more than 3 years as prescribed in advance by the head of the department or agency unless separation is for reasons beyond the control of the individual and acceptable to the department or agency concerned. Upon completion of the agreed period of service return transportation expenses would be allowed whether separation was for the purposes of the Government or for personal convenience.

### *Section 3*

(a) Subsection 3 (a) repeals section 3 of the act of June 5, 1942 (56 Stat. 314, as amended, 50 U. S. C. App. 763), which presently provides authority in the Department of the Army similar to that which section



1 (c) of the present bill provides for all departments and agencies. Also, this subsection repeals section 5 of that act (50 U. S. C. App. 765) which makes certain funds available for the expenses of movement of household goods and baggage. That section is unnecessary.

(b) Subsection 3 (b) continues to exclude from the provisions of section 1 (a) of the act of August 2, 1946 (60 Stat. 806), officers and employees transferred in accordance with the Foreign Service Act of 1946.

#### *Section 4*

The purpose of this section is to add a short title to the act of August 2, 1946 (60 Stat. 806), entitled "An act to authorize certain administrative expenses in the Government service, and for other purposes."

The cited act contains authority for numerous items of expenditure by Government agencies to which constant reference must be made in administrative regulations, appropriation acts, decisions of the Comptroller General, and similar documents. The lack of a short title for the act has resulted in a certain amount of administrative inconvenience, and this section would simplify the numerous references which are made by Government agencies to the 1946 act.

#### *Section 5*

The purpose of this section is to eliminate the present requirement of law (sec. 1 of the act of June 20, 1878, 20 Stat. 216, 44 U. S. C. 322) that payments for advertisements, notices, and proposals in newspapers be made only upon sworn statements of the publishers that the prices charged are not in excess of the commercial rates charged to private individuals, including the usual discounts. The proposed section would make no change in that part of the 1878 statute which specifies that payment for such advertisements, notices, or proposals be at prices not to exceed the commercial rates.

The Comptroller General's report on restrictions on expenditure of appropriated funds (item 14, p. 51) indicates that the requirement for a sworn certificate as to rates adds substantially to the complexity of handling bills for advertisements, both on the part of the Government and the publishers, because the publisher frequently is unfamiliar with the requirement and it must be explained to him by Government representatives; that the notarial fee in connection with the sworn statement frequently comprises a large percentage of the total bill; and that the reluctance of publishers to accept Government advertisements on account of this provision increases the difficulty of transacting necessary public business.

While the requirement for a sworn certificate as to the rates charged for advertisements may have served a useful purpose when the statute was enacted more than 70 years ago, there now appears to be no more reason for requiring such a statement in connection with published advertisements than there would be in connection with the procurement of any other commodity or service. The committee recommends the elimination of the requirement for such sworn statement.

#### *Section 6*

This section would repeal those provisions of law which require that expenditures for printing and binding be charged to appropriations made solely for that purpose, and that the annual estimates for ap-

appropriations include sums "for printing and binding, to be executed under the direction of the Public Printer."

The requirement that printing and binding be charged to appropriations made specifically and solely for that purpose was contained in the act of June 30, 1906 (34 Stat. 762, 31 U. S. C. 588). Specific appropriations for the sole purpose of printing and binding were abandoned gradually by the Congress during the last decade, and it became the practice to include specific amounts for printing and binding in appropriations which were also available for other purposes. Within the last few years the practice of including specific amounts for printing and binding also has been abandoned.

The requirement for inclusion in the estimates of specific sums "for printing and binding, to be executed under the direction of the Public Printer" stems from section 3661 of the Revised Statutes, now contained in 31 United States Code 589. This requirement has been superseded by later statutes which specifically provide the method and manner by which printing and binding shall be obtained. In general, the law now requires that all printing and binding be obtained at the Government Printing Office, except as may be otherwise permitted under regulations of the Congressional Joint Committee on Printing (act of July 5, 1949, Public Law 156).

The present effect of the above-cited provisions of law is to require the mention of printing and binding in numerous appropriations in order that those appropriations may be available for that purpose. The use of those words in the appropriation item serves no useful purpose and imposes no limitation upon the amount which may be expended for printing and binding from those items, nor any requirements as to the manner in which the work shall be done. As a result, the phrase "including printing and binding" appears 168 times in the appropriation acts for the fiscal year 1950, and 122 times in the pending omnibus appropriation bill for 1951, although no limitation is placed upon the amounts available for that purpose in either fiscal year. In each of these years there are only two specific appropriations for this purpose, one in the legislative branch and one in the judicial branch.

It should be noted, however, that even when the existing requirements are repealed, it will still be possible to place monetary limitations upon amounts available for printing and binding if the Congress deems such action necessary in specific cases.

#### *Section 7*

This section would repeal those provisions of law which prohibit the employment of personal services at the seat of government unless specifically authorized in the appropriation concerned.

These provisions are contained in section 5 of the act of August 15, 1876 (19 Stat. 169), and section 4 of the act of August 5, 1882 (22 Stat. 255). The pertinent parts of these statutes, as affected by the classification acts and other subsequent laws authorizing the employment of personal services, are set forth as sections 45 and 46 of title 5, United States Code. The net effect of these sections is to require the insertion, in each appropriation which is to be used for the payment of salaries at the seat of government, of the words "including personal services in the District of Columbia."



When the specific mention of personal services at the seat of government is accompanied by a limitation upon the amount which may be used for that purpose, such specification has a practical effect. However, where the specification is not accompanied by a monetary limitation, it is a mere formality which results in a great amount of detail in appropriation language without serving any useful purpose.

It is worthy of note that the phrase "including personal services in the District of Columbia" appears 220 times in the regular annual appropriation acts for the fiscal year 1950, but in only 70 of such cases is it accompanied by a limitation. In the pending omnibus appropriation bill for 1951 the phrase appears 134 times but is accompanied by a limitation in only 7 instances. Fourteen appropriations made specifically for this purpose in 1950 have been merged with other appropriations for 1951.

In the Comptroller General's above-mentioned report on restrictions on expenditure of appropriated funds (item 34, pp. 28 and 29), it is pointed out that the only effect of repealing these statutes would be to do away with the necessity for specific mention of departmental personal services in each annual appropriation used for that purpose; that the repeal need not result in any lesser degree of control by the Congress over the amounts expended for this purpose; and that occasional failures to include specific mention of personal services in the District of Columbia—although possibly due to oversight in drafting—have tended to result in absurdities. The General Accounting Office states it believes that these statutes should be repealed. Your committee agrees with this view.

### *Section 8*

The purpose of this section is to eliminate the requirement for a specific authorization in appropriation items for the expenditure of funds for employee health service programs.

Employee health service programs are conducted pursuant to the provisions of the act of August 8, 1946 (60 Stat. 903; 5 U. S. C. 150). The act requires that the employee health service programs be conducted "within the limits of appropriations made available therefor."

Immediately after the passage of the 1946 act it was the practice for the Congress to limit expenditures for health service programs by making specific appropriations for this purpose, or by placing limitations upon the amounts which could be expended for this purpose from appropriations available also for other purposes. Gradually, however, as the total number of appropriations has been decreased from year to year, separate appropriations for this purpose have become fewer, and the specific limitations have almost disappeared. For example, in the fiscal year 1950 there is one specific appropriation for this purpose and one specific limitation on the amount which may be expended for this item from an appropriation available also for other purposes, or a total of two cases in which Congress has placed a control on such expenditures. For the fiscal year 1951, the pending omnibus appropriation bill includes one specific appropriation for health service programs, and no limitations on such programs, and thus Congress has specifically exercised control over the cost of such programs in only one instance.

However, because of the specific requirement of the basic law that such programs be conducted "within the limitations of appropriations

made available therefor," it is still necessary to provide specific authority in the appropriations of each agency for the conduct of such programs. This means that the phrase "including health service programs as authorized by law" was required to be repeated 59 times in appropriation acts for the fiscal year 1950 although it was accompanied by a monetary limitation only in two of such cases, and 47 times in the appropriation bill for 1951 although accompanied by a limitation only in one instance.

The elimination of the requirement for a specific authorization for the conduct of health service programs will not result in any lessened control of such programs by the Congress, since it would still be possible to place a monetary limitation on such programs wherever it might be considered desirable. The sole effect of this section will be to make it unnecessary to mention this item specifically in appropriation language in the much larger number of cases where no limitation is imposed.

#### *Section 9*

The purpose of this section is to eliminate the requirement for a specific authorization in appropriation acts for payment of tort claims.

Under section 2672 of title 28, United States Code, heads of departments and agencies are authorized to settle claims for damages of \$1,000 or less against the United States for personal or property injuries caused by negligence of Government employees acting within the scope of their employment. This section permits payment of such claims only out of appropriations made therefor.

The cited section was part of the Legislative Reorganization Act of 1946. Immediately after the passage of the act it was the practice to provide in appropriation acts for specific sums for the payment of tort claims. However, it was soon realized that a monetary limitation on the amount available for such claims served no useful purpose. Once the claim has been determined and settled by the proper administrative officials, the Government's liability is established. Where awards exceeded the limitations it was necessary to increase the limitations in supplemental appropriation acts, and consequently, the practice of placing monetary limitations upon payments for tort claims was soon abandoned. Under the present law, however, it is still necessary to provide specific authorization for the use of funds for such purpose, and thus the phrase "payment of claims pursuant to law (28 U. S. C. 2672)" is repeated no less than 53 times in the regular annual appropriation acts for 1950, although in only 6 cases is the phrase accompanied by a monetary limitation. Similarly, in the general appropriation bill for 1951, the phrase appears 44 times, although it is accompanied by a limitation in only 2 instances.

The repeal of the requirement for specific authorizations for this purpose would not lessen the control of the Congress, since specific limitations still may be imposed upon the amounts available for payment of tort claims whenever the Congress might desire to do so. Further, the law (28 U. S. C. 2673) provides for a report to be made to the Congress annually of all payments of such claims.

#### *Section 10*

The purpose of this section is to change the requirements for filing of the special oath required of persons appointed to public office.

Under present law (act of December 11, 1926, 44 Stat. 918, as amended, 5 U. S. C. 21a) each person appointed as a civil officer of the



United States by the President, by and with the advice and consent of the Senate, or by the President alone, or by a court of law, or by the head of a department, is required to file with the Comptroller General an affidavit to the effect that no consideration was paid for his appointment. The act prohibits payment of salary to any person until such oath has been filed (5 U. S. C. 21b).

The regular oath of office required by law of all persons elected or appointed to office in the civil or military services (except the President) is retained in the files of the agency to which the person's office pertains (secs. 1757 and 1759, Revised Statutes, 5 U. S. C. 16 and 21). While there is no specific statutory requirement that this oath be executed before the officer is entitled to receive his salary, the execution of the oath has been considered as one of the elements necessary to qualifying for a position, which is a prerequisite to the drawing of salary attached to the position. The fact that this oath has been executed is ascertained by the auditors of the General Accounting Office either by examination of the agency files where payrolls are audited in the agency, or by certification on the payroll vouchers where payrolls are submitted to and audited in the General Accounting Office.

This section would permit the special oath required of the appointive officers mentioned above to be retained in the agency files where it would be available for use in the audit of pay rolls in the same manner as is the general oath required of all officers. This would obviate the necessity for having different types of oaths for the same officer filed in different places and would permit the use of a form on which both oaths could be combined in cases where both are required of one person.

The General Accounting Office has stated that the interests of the United States would be adequately safeguarded if the special oath were retained in the files of the agency concerned, and the Comptroller General has stated that he would have no objection to the proposed change.

#### AGENCY COMMENTS

The following letters have been received by the committee from various agencies of the Government, setting forth their views relative to the provisions of the subject bill. Comments on S. 3971 refer to subsections (b) and (c) of section 1 and to sections 2 and 3 of the bill as reported.

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington, D. C., August 25, 1950.

HON. JOHN L. McCLELLAN,  
*Chairman, Committee on Expenditures in the Executive Departments,*  
*United States Senate, Washington D. C.*

MY DEAR MR. CHAIRMAN: This is in reply to your informal request for the views of this office with respect to H. R. 9430, a bill to amend the act entitled "An act to authorize certain administrative expenses in the Government service, and for other purposes," approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government service, and for other purposes, which was passed by the House August 23, 1950.

The provisions of H. R. 9430 as passed by the House are similar to those of S. 3971 and S. 4002, with respect to which testimony was taken by your committee August 23, 1950. Subsections (b), (c), and (d) of section 1, and sections 2 and 3 of H. R. 9430 are substantially the same as S. 3971, except for minor

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technical changes which in no way affect its purposes. Subsection (a) of section 1, and sections 4 through 12 of H. R. 9430 are identical with the provisions of S. 4002, except for certain changes in numbering of the sections in the latter bill.

This Bureau recommended favorable action on S. 3971 in a letter of August 3, 1950, to you. S. 4002 is identical with a draft bill proposed by this Bureau, with the concurrence of the Treasury Department and the General Accounting Office, in a letter of July 5, 1950, to you.

Briefly, H. R. 9430 would carry out the purposes of both S. 3971 and S. 4002, as to which this Bureau heretofore has recommended favorable action. Enactment of H. R. 9430 would contribute greatly to the simplification and improvement of administration of the Government service and I earnestly recommend that your committee give favorable consideration to the House-passed bill.

This letter will serve as a reply also to your letter of August 7, 1950, requesting the views of this Bureau on S. 4002.

Sincerely yours,

ELMER B. STAATS,  
*Acting Director.*

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington, D. C., July 5, 1950.

HON. JOHN L. MCCLELLAN,  
*Chairman, Committee on Expenditures in the Executive Departments,  
United States Senate, Washington, D. C.*

MY DEAR MR. CHAIRMAN: As requested in your letter of January 30, 1950, I am attaching a draft of a bill based upon a study of the report made by the Comptroller General pursuant to the Legislative Reorganization Act of 1946 on restrictions on expenditure of appropriated funds.

The above-mentioned report of the Comptroller General listed 53 provisions contained in appropriation acts and 23 contained in permanent legislation which limited or restricted the expenditure of appropriated funds. The report relates to provisions contained in appropriation acts for the fiscal year 1947 and other legislation in effect at that time, and many of those restrictions and limitations have been eliminated in the interim. The attached draft bill includes those items mentioned in the Comptroller General's report which appear to be suitable subjects for permanent legislation applicable to all agencies of the Government, as well as other items of a similar nature which were not included in the report.

As suggested in your letter, the Bureau of the Budget has consulted with the General Accounting Office and the Treasury Department in this matter. The attached draft bill (S. 4002) and the accompanying section-by-section analysis have been prepared with the cooperation of those agencies and are submitted with their concurrence.

Briefly, the draft bill would simplify issuance of orders for transfer of employees from one duty station to another; eliminate the requirement of a sworn statement as to the correctness of rates charged for newspaper advertising; eliminate the requirement of a special certificate as to the necessity for long-distance telephone calls; repeal those provisions of law requiring specific mention in appropriation acts of personal services in the District of Columbia, printing and binding, health service programs, and payment of tort claims in order to make appropriations available for those purposes; eliminate the requirement of a new oath of office when an employee transfers from one agency in the executive branch to another; permit the special oath required of certain public officers to be retained in the files of the agency concerned instead of being filed with the Comptroller General; and provide a short title for the so-called administrative expenses statute (Public Law 600) of August 2, 1946.

The draft bill would involve no additional cost to the United States, nor would it result in any measurable savings. It would, however, contribute to more effective use of the time of employees by eliminating unnecessary steps in the processes required to carry on governmental activities. Further, those sections which are directed toward the elimination of unnecessary detail from the language of appropriation acts would help to meet the criticism directed at existing appropriation language by the Hoover Commission.

The effect of the proposed legislation is explained in detail in the attached section-by-section analysis of the draft bill. I shall, of course, be glad to have representatives of the Bureau appear in support of the bill and furnish any further information or assistance which your committee may desire.



Standing alone, none of the matters treated in the draft bill is of primary importance. However, items such as these form the great mass of rules which have come to be known as red tape. New requirements of this nature are being added constantly, and unless the various restrictions and limitations are re-examined from time to time with a view to discarding those which are useless and eliminating those which have served their purposes, they place a heavy burden on day-to-day operations of the Government. For this reason I sincerely hope that your committee will give favorable consideration to legislation along the lines suggested in the draft bill.

Very truly yours,

F. J. LAWTON, *Director.*

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COMPTROLLER GENERAL OF THE UNITED STATES,  
Washington, August 28, 1950.

HON. JOHN L. McCLELLAN,  
*Chairman, Committee on Expenditures in the Executive Departments,  
United States Senate.*

MY DEAR MR. CHAIRMAN: In accordance with the informal request of your committee there is submitted herewith an expression of my views and comments on H. R. 9430 entitled "An act to amend the act entitled 'An act to authorize certain administrative expenses in the Government service, and for other purposes,' approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government service, and for other purposes."

Subsections 1 (b), 1 (e), 2, 3 (a) and 3 (b) of the bill contain provisions substantially similar to the provisions appearing in S. 3971, Eighty-first Congress, upon which a report was furnished your committee by letter of August 8, 1950, B-97047. The suggested minor changes recommended in that report appear to be incorporated in the present bill. Those subsections primarily deal with the travel and transportation expenses of employees and new appointees to and from post of duty outside the United States and evacuation of employees' families and household goods from danger zones in certain instances. I see no objection to their enactment.

Subsection 1 (a) and sections 4 through 12 of H. R. 9430 are identical to the provisions of S. 4002 upon which a report was furnished your committee by letter of August 14, 1950, B-49808. As indicated in the report on that bill, those sections represent the draft of legislation which was prepared at your request by representatives of the Bureau of the Budget, Treasury Department and this Office in accordance with your letter of January 30, 1950. They are based upon the study of restrictions on expenditures of appropriated funds made by this Office in accordance with section 205 of the Legislative Reorganization Act of 1946 and reported to the Congress on January 4, 1949. Many of the subjects covered by that report already have been the subject of legislation. Accordingly, those sections include only such remaining items as appear properly to be the subject of general legislation plus a few items of a similar nature which were not included in the report.

Each of the sections of the bill has some merit and I see no reason why this Office should object to its enactment.

Sincerely yours,

LINDSAY C. WARREN,  
*Comptroller General of the United States.*

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TREASURY DEPARTMENT,  
Washington, August 22, 1950.

HON. JOHN L. McCLELLAN,  
*Chairman, Committee on Expenditures in the Executive Departments,  
United States Senate, Washington, D. C.*

MY DEAR MR. CHAIRMAN: Further reference is made to your letter of August 7, 1950, requesting the views of the Treasury Department on S. 4002, to simplify administration in the Government service, and for other purposes, which was introduced as a result of the study made by the Comptroller General on restrictions on expenditure of appropriated funds.

The bill would simplify issuance of orders for transfer of employees from one duty station to another; eliminate the requirement of a sworn statement as to the correctness of rates charged for newspaper advertising; eliminate the requirement of a special certificate as to the necessity for long-distance telephone calls; repeal those provisions of law requiring specific mention in appropriation acts of personnel services in the District of Columbia, printing and binding, health service pro-

14 SIMPLIFY ADMINISTRATION IN THE GOVERNMENT SERVICE

grams, and payment of tort claims; eliminate the requirement of a new oath of office when an employee transfers from one agency in the executive branch to another; and permit the special oath required of certain public officers to be retained in the files of the agency concerned instead of being filed with the Comptroller General.

Except for certain minor drafting changes, S. 4002 is identical to a draft of bill which was transmitted to you by the Director of the Bureau of the Budget on July 5, 1950. That draft was prepared by the Bureau of the Budget in consultation with the General Accounting Office and the Treasury Department and was submitted with the concurrence of this Department.

The Treasury Department believes that the proposed legislation is desirable and recommends its enactment.

Very truly yours,

G. H. FOLEY, Jr.  
*Acting Secretary of the Treasury.*

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TREASURY DEPARTMENT,  
Washington, July 28, 1950.

Hon. JOHN L. McCLELLAN,  
*Chairman, Committee on Expenditures in the Executive Departments*  
*United States Senate, Washington, D. C.*

MY DEAR MR. CHAIRMAN: Further reference is made to your letter of January 30, 1950, advising that your committee is giving consideration to the Comptroller General's report to the Congress of January 4, 1949, entitled "Study of Restrictions on the Expenditure of Appropriated Funds." You requested the Treasury Department, the Bureau of the Budget, and the General Accounting Office to draft substantive legislation embracing restrictions repeated in various annual appropriation acts, incorporating recommendations and comments relative to desirable changes.

On July 5, 1950, the Director of the Bureau of the Budget transmitted to you a draft of bill in response to your request. This draft was prepared by the Bureau of the Budget in consultation with the General Accounting Office and the Treasury Department and was submitted with the concurrence of this Department.

The draft of bill would simplify issuance of orders for transfer of employees from one duty station to another; eliminate the requirement of a sworn statement as to the correctness of rates charged for newspaper advertising; eliminate the requirement of a special certificate as to the necessity for long-distance telephone calls; repeal those provisions of law requiring specific mention in appropriation acts of personal services in the District of Columbia, printing and binding, health service programs, and payment of tort claims; eliminate the requirement of a new oath of office when an employee transfers from one agency in the executive branch to another; permit the special oath required of certain public officers to be retained in the files of the agency concerned instead of being filed with the Comptroller General.

The Treasury Department believes that the proposed legislation is desirable and recommends its enactment.

Very truly yours,

JOHN S. GRAHAM,  
*Acting Secretary of the Treasury.*

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Hon. JOHN L. McCLELLAN,  
*Chairman, Committee on Expenditures in the Executive Departments,*  
*United States Senate.*

DEAR SENATOR McCLELLAN: This report is submitted in response to a verbal request, transmitted by Mr. Walter Reynolds of your committee staff to a representative of this Department, for a report indicating the views of the Department of Defense on H. R. 9430, a bill to amend the act entitled "An Act to authorize certain administrative expenses in the Government service, and for other purposes," approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government service, and for other purposes.

The Defense Department's interest in H. R. 9430 is primarily confined to sections 1, 2, and 3 of the bill. Those sections are substantially identical to S. 3971 which you introduced at the request of the Department of Defense in accordance with Secretary Johnson's letter of July 21, 1950, transmitting a draft of a bill. Responsibility for submitting data in support of S. 3971 and parallel provisions of H. R. 9430 was assigned by the Department of Defense to the De-



partment of the Army. Accordingly, the views herein expressed are submitted on behalf of the Department of Defense.

Sections 1, 2, and 3 of H. R. 9430 make miscellaneous amendments to the act of August 2, 1946 (60 Stat. 806), relating to payment of travel expenses for civilian employees assigned to foreign posts of duty. Its two main purposes are (1) to clarify the scope of the original act so far as payment of return transportation upon completion of an employment agreement is concerned, and (2) to incorporate in permanent law the temporary authority of section 3 (b), act of June 5, 1942 (56 Stat. 314), for the evacuation of dependents of civilian employees from military zones. The first of these objectives is made necessary by decisions of the Comptroller General (28 Comp. Gen. 653, 29 id. 157, and id. 160) which hold that the return transportation provisions of section 7, act of August 2, 1946, supra, do not apply to persons who transferred from Federal employment in the United States to overseas positions. While those decisions do not so hold directly, they also indicate that future question may be raised as to the authority to pay return transportation to any employee who is separated for personal convenience, regardless of whether he may have completed a contract to remain for a specified period. It is regarded as essential to the proper staffing of extracontinental installations that the authority to pay transportation expenses to and from such installations be preserved and clarified, subject to adequate controls in the public interest. The second stated objective is self-explanatory: To make permanent the wartime authority to evacuate civilians, parallel to the action taken for dependents of military personnel under section 303 (c) of the Career Compensation Act of 1949.

The Department desires to express to you its keen interest in having those sections of H. R. 9430 in which the Department has a primary interest enacted during the present session of Congress. The enactment will assist very greatly in the orderly prosecution of overseas missions by providing a clear statement of the Department's authority to pay transportation expenses in connection with employment of civilians for foreign service. In addition it will make available to all agencies on a permanent basis the evacuation authority currently available to this Department in temporary legislation, the value of which has been so clearly demonstrated by events in Korea.

As previously indicated, this bill is largely confined to ratification of what the Department considered to be the correct construction of existing law. Since budget estimates were prepared on the basis of that construction, enactment of sections 1, 2, and 3 of H. R. 9430 would not result in larger appropriation needs. Any increase in cost of overseas transportation would not result from this bill, but from the necessity of sending more persons to overseas stations, a factor which cannot be accurately forecast, even for the immediate future, at this time.

This report has been coordinated among the departments and boards in the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

FRANK PACE, Jr.,  
Secretary of the Army.

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UNITED STATES CIVIL SERVICE COMMISSION,  
Washington, D. C., August 28, 1950.

HON. JOHN L. McCLELLAN,  
Chairman, Committee on Expenditures in the Executive Departments,  
United States Senate.

DEAR SENATOR McCLELLAN: This is in reference to your request of August 7, 1950, for the Commission's views on S. 4002, a bill to simplify administration in the Government service, and for other purposes.

Section 1 of the bill would do away with the present requirement of prior written authorization of travel expenses and expenses for the transportation of the immediate family and household goods of an employee transferred from one official station to another. Section 2 would eliminate the sworn statement required of publishers of newspapers that the price charged the Government for advertisements does not exceed the commercial rates. Section 3 would discontinue the certification that long-distance telephone calls were made in the interest of the Government. Sections 4 and 5 repeal laws requiring special appropriations for printing and binding and for salaries paid to certain employees. Sections 6

and 7 would do away with the necessity of specific appropriations for health services and for the payment of claims under the Tort Claims Act. Such payments would hereafter be made from the regular appropriation. Section 8 would make it unnecessary for employees to renew the oath of office so long as their service is continuous in the executive branch or in the government of the District of Columbia, unless renewal were required by the Civil Service Commission or the Commissioners of the District of Columbia. Special acts relating to renewal of oaths of office of employees in the Department of Agriculture and the Veterans' Administration would be repealed. Section 9 would make it unnecessary to file with the Comptroller General affidavits of employees stating that no assistance was received in securing an appointment with the Government. Section 10 provides for a title for the act of August 2, 1946, Public Law 600, Seventy-ninth Congress.

Section 2 of the bill, relating to advertisements in newspapers, would not affect the Commission's operations since the Commission does not publish such advertisements. Other sections of the bill, however, would facilitate the work of the Commission's Budget and Accounting Division and the Commission's Personnel Division. The Commission would therefore favor its enactment.

The Bureau of the Budget advises that this proposed legislation is in accord with the program of the President.

By direction of the Commission:

Sincerely yours,

L. A. MOYER, *Executive Director.*

#### CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by this bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

#### SECTION 1 AND SECTION 3 (B)

SECTION 1 OF THE ACT OF AUGUST 2, 1946 (60 STAT. 806), AS AMENDED (5 U. S. C. 73B-1)

SEC. 1. That (a) under such regulations as the President may prescribe, any civilian officer or employee of the Government who, in the interest of the Government, is transferred from one official station to another, including transfer from one department to another, for permanent duty, shall, except as otherwise provided herein, when authorized **[** in the order directing the travel, **]** *or approved* by such subordinate official or officials of the department concerned as the head thereof may designate for the purpose, be allowed and paid from Government funds the expenses of travel of himself and the expenses of transportation of his immediate family (or a commutation thereof in accordance with the Act of June 9, 1949) and the expenses of transportation, packing, crating, temporary storage, drayage, and unpacking of his household goods and personal effects (not to exceed seven thousand pounds if uncrated or eight thousand seven hundred and fifty pounds if crated or the equivalent thereof when transportation charges are based on cubic measurement): *Provided*, That advances of funds may be made to the officer or employee in accordance with said regulations under the same safeguards as are required under the Travel Expense Act of 1949 (5 U. S. C., Sup. III, 838): *Provided further*, That the allowances herein authorized shall not be applicable to **[**civilian employees of the Department of the Army and their dependents when transferred under the provisions of section 3 of the Act of June 5, 1942 (50 U. S. C. 763 and 764 (e)), nor to officers and employees of the Foreign Service, Department of State**]** *officers and employees transferred in accordance with the provisions of the Foreign Service Act of 1946: Provided further*, That no part of such expenses (including those of officers and employees of the Foreign Service, Department of State) shall be allowed or paid from Government funds where the transfer is made primarily for the convenience or benefit of the officer or employee or at his request: *Provided further*, That in case of transfer from one department to another such expenses shall be payable from the funds of the department to which the officer or employee is transferred**[.]**: *And provided further*, That expenses of travel and transportation in connection with the transfer of officers and employees to posts of duty outside the continental limits of the United States and return therefrom shall be



allowed to the same extent and subject to the same limitations prescribed for new appointees under section 7 of this Act.

(b) In lieu of the payment of actual expenses of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects, in the case of such transfers between points in continental United States, reimbursement shall be made to the officer or employee on a commuted basis (not to exceed the amount which would be allowable for the authorized weight allowance) at such rates per one hundred pounds as may be fixed by zones in regulations prescribed by the President.

(c) Funds available for travel expenses of civilian officers and employees shall also be available for the expenses of the transportation of their immediate families, and funds available for the transportation of things shall also be available for the transportation of household goods and effects, as authorized by this Act.

(d) *When civilian officers and employees of the United States are on duty at places designated by the heads of their respective departments or agencies as within zones from which their immediate families should be evacuated for military or other reasons which create imminent danger to life or property, or adverse living conditions seriously affecting the health, safety, or accommodations of said families, or upon transfer or assignment to duty of such civilian officers and employees to places where their immediate families are not, for the aforesaid reasons, permitted to accompany them, their immediate families and household goods may be transported at Government expense, under such regulations as the heads of their respective departments and agencies may prescribe, to such location as may be designated by the civilian officer or employee concerned or by the immediate families of such officers and employees when circumstances prevent the officers and employees from designating such location or when it is administratively impracticable to determine the intent of the officers or employees in this respect: Provided, That if such location designated by either the officers or employees or their immediate families is within an area to which such movement is prohibited for the aforesaid reasons, an alternate location may be designated by either the officers or employees concerned or their immediate families: And provided further, That such immediate families and household goods may later be transported at Government expense from the designated location or alternate location authorized in this subsection to a duty station to which the officers or employees concerned are assigned, and to which the above restrictions do not apply.*

## SECTION 2

### SECTION 7 OF THE ACT OF AUGUST 2, 1946 (60 STAT. 806; 5 U. S. C. 73B-3)

SEC. 7. Appropriations for the department shall be available, in accordance with regulations prescribed by the President, for expenses of travel of new appointees, expenses of transportation of their immediate families, and expenses of transportation of their household goods and personal effects from places of actual residence at time of appointment to places of employment outside continental United States, and for such expenses on return of employees from their posts of duty outside continental United States to the places of their actual residence at time of assignment to duty outside the United States: *[Provided, That such expenses shall not be allowed new appointees unless and until the person selected for appointment shall agree in writing to remain in the Government service for the twelve months following his appointment, unless separated for reasons beyond his control. In case of a violation of such agreement any moneys expended by the United States on account of such travel and transportation shall be considered as a debt due by the individual concerned to the United States.]* *Provided, That such expenses of travel and transportation to posts of duty outside the continental United States shall not be allowed unless and until the person selected for appointment shall agree in writing to remain in the Government service for twelve months following his appointment, unless separated for reasons beyond his control and acceptable to the department or agency concerned and in case of violation of such agreement any moneys expended by the United States on account of such travel and transportation shall be recoverable from the individual concerned as a debt due the United States: And provided further, That expenses of return travel and transportation upon separation from the service shall be allowed whether such separation is for the purposes of the Government or for personal convenience, but shall not be allowed unless such persons selected for appointment outside the continental United States shall have served for a minimum period of not less than one nor more than three years prescribed in advance by the head of the department or agency concerned or unless separation is for reasons beyond the control of the individual and acceptable to the department or agency concerned.* This section shall not apply to appropriations for the Foreign Service, State Department.



## SECTION 3 (A)

SECTION 3 OF THE ACT OF JUNE 5, 1942 (56 STAT. 314), AS AMENDED  
(50 APP. U. S. C. 763)

【SEC. 3. (a) That the Secretary of the Army is hereby authorized to effect appointments of civilian employees in the United States, or to effect the transfer of such employees in the Federal Service in the United States, for duty at any point outside the continental limits of the United States or in Alaska at which it may be found necessary to assign such civilian employees, and to pay the costs of transportation of such employees from the place of engagement in the United States, or from the present post of duty in the United States or in Alaska, if already in the Federal Service, to the post of duty outside the United States and return upon relief therefrom, and to provide for the shipment of personal effects of persons so appointed or transferred from the place of engagement or transfer to the post of duty outside the continental United States or in Alaska and return upon relief therefrom.

【(b) When civilian employees are on duty at places designated by the Secretary of the Army as within zones from which their dependents should be evacuated for military reasons, or upon transfer or assignment to duty of such civilian employees to places where their dependents are not for military reasons permitted to accompany them, their dependents and household effects may be moved at Government expense under such regulations as the Secretary of the Army may prescribe, to such locations as may be designated by the employee concerned and later from such locations to a duty station to which the employee is assigned and at which the above restrictions do not apply: *Provided*, That the provisions of this subsection shall be applicable to travel performed by dependents and household effects moved on and after December 8, 1941.

【(c) When civilian employees are assigned to temporary duty away from their permanent station on orders which do not provide for return to the permanent station, or which do not specify or imply any limit to the period of absence from the permanent station, their dependents and household effects may be moved at Government expense, under such regulations as the Secretary of the Army may prescribe, to such location in the United States as may be designated by the employee concerned and later from such location to a permanent duty station to which the employee is assigned, subject to such regulations as the Secretary of the Army may prescribe regarding the shipment of dependents into specified zones: *Provided*, That the provisions of this subsection shall be applicable to travel performed by dependents and household effects moved on and after December 8, 1941.】

SECTION 5 OF THE ACT OF JUNE 5, 1942 (56 STAT. 314) AS AMENDED (50 APP. U. S. C., SUP. III, 765)

【SEC. 5. That any funds available for the transportation of baggage, household effects and goods, shall be available for the transportation, packing, crating, and unpacking of such baggage, household effects and goods, in the manner and under such conditions of service of civilian personnel as the Secretary of the Army may prescribe and designate by regulations.】

## SECTION 3 (B)

SECTION 1 (A), SECOND PROVISIO, OF THE ACT OF AUGUST 2, 1946 (60 STAT. 806)

NOTE.—See second proviso of section 1, *supra*.

## SECTION 4

ACT OF AUGUST 2, 1946 (60 STAT. 806)

*SEC. 21. This Act may be cited as the "Administrative Expenses Act of 1946."*

## SECTION 5

ACT OF JUNE 20, 1878 (20 STAT. 216; 44 U. S. C. 322)

All advertisements, notices, proposals for contracts, and all forms of advertising required by law for the several departments of the Government may be paid for

at a price not to exceed the commercial rates charged to private individuals, with the usual discounts [; such rates to be ascertained from sworn statements to be furnished by the proprietors or publishers of the newspapers proposing so to advertise.] But the heads of the several departments may secure lower terms at special rates whenever the public interest requires it.

## SECTION 6 (A)

SECTION 2 OF THE ACT OF JUNE 30, 1906 (34 STAT. 762), AS AMENDED (31 U. S. C. 588)

[There shall be submitted in the regular annual estimates under and as a part of the expenses for "printing and binding," estimates for all printing and binding required by each of the executive departments, their bureaus and offices, and other Government establishments at Washington, District of Columbia, for each fiscal year; and no appropriations other than those made specifically and solely for printing and binding shall be used for such purposes in any executive department or other Government establishment in the District of Columbia: *Provided*, That nothing in this section shall apply to stamped envelopes, or envelopes and articles of stationery other than letterheads and noteheads, printed in the course of manufacture, or to so much of the printing and binding as is necessary to expedite the work of that branch of The Adjutant General's Office that was formerly known as the Record and Pension Office of the War Department.]

## SECTION 6 (B)

SECTION 3661, REVISED STATUTES, AS AMENDED (31 U. S. C. 589)

[SEC. 3661. The head of each of the Executive Departments, and every other public officer who is authorized to have printing and binding done at the Government Printing Office for the use of his Department or public office, shall include in his annual estimate for appropriations for the next fiscal year such sum or sums as may to him seem necessary "for printing and binding, to be executed under the direction of the Public Printer."]

## SECTION 7 (A)

SECTION 5 OF THE ACT OF AUGUST 15, 1876 (19 STAT. 169; 5 U. S. C. 45)

[SEC. 5. That the executive officers of the Government are hereby prohibited from employing any clerk, agent, engineer, draughtsman, messenger, watchman, laborer, or other employee, in any of the executive departments in the city of Washington, or elsewhere beyond provision made by law.]

## SECTION 7 (B)

SECTION 4 OF THE ACT OF AUGUST 5, 1882 (22 STAT. 255)

SEC. 4. That no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall after the first day of October next be employed in any of the executive departments, or subordinate bureaus or offices thereof at the seat of government, except [only at such rates and in such numbers, respectively, as may be specifically appropriated for by Congress for such clerical and other personal services for each fiscal year; and no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall hereafter be employed at the seat of government in any executive department or subordinate bureau or office thereof or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation, and then only] for services actually rendered in connection with and for the purposes of the appropriation from which payment is made, and at the rate of compensation usual and proper for such services, and after the first day of October next section one hundred and seventy-two of the Revised Statutes, and all other laws and parts of laws inconsistent with the provisions of this act, and all laws and parts of laws authorizing the employment of officers, clerks, draughtsmen, copyists, messengers, assistant messengers, mechanics, watchmen, laborers, or other employees at a different rate of pay or in excess of the numbers authorized by appropriations made by Congress, be, and they are hereby, repealed; \* \* \*

## SECTION 8

ACT OF AUGUST 8, 1946 (3) STAT. 903; 5 U. S. C. 150)

That, for the purpose of promoting and maintaining the physical and mental fitness of employees of the Federal Government, the heads of departments and agencies, including Government-owned and controlled corporations are authorized, within the limits of appropriations [made] available [therefor] to them, to establish by contract or otherwise, health service programs which will provide health services for employees under their respective jurisdictions: \* \* \*

## SECTION 9

23 U. S. C. 2672, AS AMENDED (SUPP. III)

The head of each Federal agency, or his designee for the purpose, acting on behalf of the United States, may consider, ascertain, adjust, determine, and settle any claim for money damages of \$1,000 or less against the United States accruing on and after January 1, 1945, for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

Subject to the provisions of this title relating to civil actions on tort claims against the United States, any such award or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud.

Any award made pursuant to this section, and any award, compromise, or settlement made by the Attorney General pursuant to section 2677 of this title shall be paid by the head of the Federal agency concerned out of [such agency's appropriations therefor, which appropriations are hereby authorized] *appropriations available to such agency.*

## SECTION 10

SECTION 1 OF THE ACT OF DECEMBER 11, 1926; (44 STAT. 918), AS AMENDED (44 STAT. 1346, 5 U. S. C. 21A)

That each individual hereafter appointed as a civil officer of the United States by the President, by and with the advice and consent of the Senate, or by the President alone, or by a court of law, or by the head of a department, shall, within thirty days after the effective date of his appointment, file with [the Comptroller General of the United States] *the oath of office required by section 1757 of the Revised Statutes, as amended (5 U. S. C. 16)* an affidavit stating that neither he nor anyone acting in his behalf has given, transferred, promised, or paid any consideration for or in the expectation or hope of receiving assistance in securing such appointment.





Calendar No. 2500

81ST CONGRESS  
2D SESSION

# H. R. 9430

[Report No. 2495]

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## IN THE SENATE OF THE UNITED STATES

AUGUST 24 (legislative day, JULY 20), 1950

Read twice and referred to the Committee on Expenditures in the Executive Departments

AUGUST 30 (legislative day, JULY 20), 1950

Reported by Mr. McCLELLAN, with amendments

[Omit the part struck through and insert the part printed in italic]

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## AN ACT

To amend the Act entitled "An Act to authorize certain administrative expenses in the Government service, and for other purposes", approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government service, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*  
3        That (a) subsection (a) of section 1 of the Act of August  
4        2, 1946 (60 Stat. 806), is amended by striking the phrase  
5        " , in the order directing the travel," and substituting therefor  
6        the words "or approved".

7        (b) The period at the end of subsection (a) of said  
8        section is changed to a colon and the following proviso is

1 added thereto: "*And provided further*, That expenses of  
2 travel and transportation in connection with the transfer of  
3 officers and employees to posts of duty outside the con-  
4 tinental limits of the United States and return therefrom  
5 shall be allowed to the same extent and subject to the same  
6 limitations prescribed for new appointees under section 7 of  
7 this Act."

8 (c) A new subsection is added at the end of the said  
9 section, as follows:

10 " (d) When civilian officers and employees of the United  
11 States are on duty at places designated by the heads of their  
12 respective departments or agencies as within zones from  
13 which their immediate families should be evacuated for mili-  
14 tary or other reasons which create imminent danger to life or  
15 property, or adverse living conditions seriously affecting the  
16 health, safety, or accommodations of said families, or upon  
17 transfer or assignment to duty of such civilian officers and  
18 employees to places where their immediate families are not,  
19 for the aforesaid reasons, permitted to accompany them, their  
20 immediate families and household goods may be transported  
21 at Government expense, under such regulations as the heads  
22 of their respective departments and agencies may prescribe,  
23 to such location as may be designated by the civilian officer  
24 or employee concerned or by the immediate families of such  
25 officers and employees when circumstances prevent the

1 officers and employees from designating such locations or  
2 when it is administratively impracticable to determine the  
3 intent of the officers or employees in this respect: *Provided*,  
4 That if such location designated by either the officers or  
5 employees or their immediate families is within an area to  
6 which such movement is prohibited for the aforesaid reasons,  
7 an alternate location may be designated by either the officers  
8 or employees concerned or their immediate families: *And*  
9 *provided further*, That such immediate families and house-  
10 hold goods may later be transported at Government expense  
11 from the designated location or alternate location authorized  
12 in this subsection to a duty station to which the officers or  
13 employees concerned are assigned, and to which the above  
14 restrictions do not apply.”

15 SEC. 2. Section 7 of the said Act of August 2, 1946  
16 (60 Stat. 806), is hereby amended by deleting the proviso  
17 at the end of the first sentence thereof, by deleting the second  
18 sentence, and by substituting the following therefor: “*Pro-*  
19 *vided*, That such expenses of travel and transportation to  
20 posts of duty outside the continental United States shall not  
21 be allowed unless and until the person selected for appoint-  
22 ment shall agree in writing to remain in the Government  
23 service for twelve months following his appointment, unless  
24 separated for reasons beyond his control and acceptable to  
25 the department or agency concerned and in case of violation



1 of such agreement any moneys expended by the United  
2 States on account of such travel and transportation shall  
3 be recoverable from the individual concerned as a debt due  
4 the United States: *And provided further*, That expenses of  
5 return travel and transportation upon separation from the  
6 service shall be allowed whether such separation is for the  
7 purposes of the Government or for personal convenience, but  
8 shall not be allowed unless such person selected for appoint-  
9 ment outside the continental United States shall have served  
10 for a minimum period of not less than one nor more than  
11 three years prescribed in advance by the head of the depart-  
12 ment or agency concerned or unless separation is for reasons  
13 beyond the control of the individual and acceptable to the  
14 department or agency concerned."

15 SEC. 3. (a) Sections 3 and 5 of the Act of June 5,  
16 1942 (56 Stat. 314), as amended (50 App. U. S. C. 763  
17 and 765), are hereby repealed.

18 (b) The second proviso of section 1 (a), Act of  
19 August 2, 1946 (60 Stat. 806), is hereby amended to read  
20 as follows: "*Provided further*, That the allowances herein  
21 authorized shall not be applicable to officers and employees  
22 transferred in accordance with the provisions of the Foreign  
23 Service Act of 1946.

24 SEC. 4. The Act of August 2, 1946 (60 Stat. 806),  
25 entitled "An Act to authorize certain administrative expenses

1 in the Government service, and for other purposes", is hereby  
 2 amended by adding at the end thereof a new section as  
 3 follows:

4 "SEC. 21. This Act may be cited as the 'Administra-  
 5 tive Expenses Act of 1946'."

6 SEC. 5. There is hereby repealed so much of the eighth  
 7 full paragraph on page 216 of volume 20 of the Statutes  
 8 at Large, from the Act of June 20, 1878 (44 U. S. C.  
 9 322), as reads: "; such rates to be ascertained from sworn  
 10 statements to be furnished by the proprietors or publishers  
 11 of the newspapers proposing so to advertise".

12 SEC. 6. There is hereby repealed so much of section 4  
 13 of the Act of May 10, 1939 (53 Stat. 738, 31 U. S. C.  
 14 680a), as reads: "; and all such payments shall be sup-  
 15 ported by a certificate by the head of the department, estab-  
 16 lishment, or agency concerned, or such subordinates as he  
 17 may specially designate, to the effect that the use of the  
 18 telephone in such instances was necessary in the interest of  
 19 the Government".

20 SEC. 7 6. There are hereby repealed—

21 (a) Section 2, as amended, of the Act of June 30, 1906  
 22 (34 Stat. 762, 31 U. S. C. 588) ; and

23 (b) Section 3661, Revised Statutes (31 U. S. C. 589) .

24 SEC. 8 7. There are hereby repealed—

1 (a) Section 5 of the Act of August 15, 1876 (19 Stat.  
2 169, 5 U. S. C. 45) ; and

3 (b) That portion of section 4 of the Act of August 5,  
4 1882 (22 Stat. 255) , which reads as follows: "only at such  
5 rates and in such numbers, respectively, as may be specifi-  
6 cally appropriated for by the Congress for such clerical and  
7 other personal services for each fiscal year; and no civil  
8 officer, clerk, draughtsman, copyist, messenger, assistant  
9 messenger, mechanic, watchman, laborer, or other employee  
10 shall hereafter be employed at the seat of government in  
11 any executive department or subordinate bureau or office  
12 thereof or be paid from any appropriation made for con-  
13 tingent expenses, or for any specific or general purpose, unless  
14 such employment is authorized and payment therefor specifi-  
15 cally provided in the law granting the appropriation, and  
16 then only".

✓ 17 SEC. 9 8. The Act of August 8, 1946 (60 Stat. 903, 5  
18 U. S. C. 150), is amended by striking the words "made  
19 available therefor" and substituting therefor the words  
20 "available to them".

21 SEC. 10 9. The third paragraph of title 28, United



1 States Code, section 2672, is amended by striking the words  
2 "such agency's appropriations therefor, which appropriations  
3 are hereby authorized" and substituting therefor the words  
4 "appropriations available to such agency".

5 SEC. 11. (a) The Act of August 14, 1937 (50 Stat.  
6 640, 5 U. S. C. 17b), is amended to read as follows:

7 "Civilian employees of the executive departments and  
8 independent establishments of the United States and em-  
9 ployees of the District of Columbia who, upon original ap-  
10 pointment, have subscribed to the oath of office required  
11 by section 1757 of the Revised Statutes, shall not be re-  
12 quired to renew the said oath because of any change in  
13 status so long as their services are continuous in the executive  
14 branch or in the government of the District of Columbia un-  
15 less in the opinion of the Civil Service Commission or the  
16 Commissioners of the District of Columbia, as may be appro-  
17 priate, the public interest requires such renewal."

18 (b) There are hereby repealed—

19 (1) Section 3 of the Act of January 31, 1925 (43  
20 Stat. 803, 5 U. S. C. 17); and

21 (2) Section 3 of the Act of December 11, 1926 (44  
22 Stat. 919, 5 U. S. C. 17a).

1        SEC. ~~42~~ 10. Section 1, as amended, of the Act of De-  
2        cember 11, 1926 (44 Stat. 1346, 5 U. S. C. 21a), is further  
3        amended by striking the words "the Comptroller General of  
4        the United States" and substituting therefor the words "the  
5        oath of office required by section 1757 of the Revised  
6        Statutes, as amended (5 U. S. C. 16)".

Passed the House of Representatives August 23, 1950.

Attest:

RALPH R. ROBERTS,

*Clerk.*





81<sup>ST</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 9430

[Report No. 2495]

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## AN ACT

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To amend the Act entitled "An Act to authorize certain administrative expenses in the Government service, and for other purposes", approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government service, and for other purposes.

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AUGUST 24 (legislative day, JULY 20), 1950

Read twice and referred to the Committee on Expenditures in the Executive Departments

AUGUST 30 (legislative day, JULY 20), 1950

Reported with amendments







sular Affairs with amendments, on page 3, line 5, after the name "Anderson", to insert "Junior"; in line 9, after the word "and", to strike out "eighty" and insert "eighty-two"; and in line 11, after the word "the", to strike out "United States" and insert "Blackfeet Tribe of Indians", so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior is authorized and directed to issue to the following-named persons patents in fee to their allotted lands on the Blackfeet Indian Reservation, Mont.:

Wilbur Anderson, northwest quarter of the southeast quarter of section 35, township 33 north, range 7 west, and lot 1, section 31, township 37 north, range 10 west, Montana principal meridian, containing seventy-nine and eighty-eight one-hundredths acres.

Rupert Anderson, northeast quarter of the southeast quarter of section 35, township 33 north, range 7 west, and lot 2, section 31, township 37 north, range 10 west, Montana principal meridian, containing seventy-nine and ninety-one one-hundredths acres.

Gale Anderson, east half of the southeast quarter of section 28, township 37 north, range 10 west, Montana principal meridian, containing eighty acres.

Joseph Anderson, northwest quarter of the southwest quarter of section 36, township 33 north, range 7 west, and southeast quarter of the northwest quarter of section 31, township 37 north, range 10 west, Montana principal meridian, containing eighty acres.

Pauline Anderson (Cook), east half of the northeast quarter of section 28, township 37 north, range 10 west, Montana principal meridian, containing eighty acres.

Myron W. Anderson, southwest quarter of the southeast quarter of section 35, township 33 north, range 7 west, and southwest quarter of the southeast quarter of section 24, township 37 north, range 11 west, Montana principal meridian, containing eighty acres.

Maude Marie Anderson (LeFebvre), southeast quarter of the southeast quarter of section 35, township 33 north, range 7 west, and southeast quarter of the southwest quarter of section 24, township 37 north, range 11 west, Montana principal meridian, containing eighty acres.

Collins Anderson, Jr., southwest quarter of the southwest quarter of section 36, township 33 north, range 7 west, and lot 4 of section 30, township 37 north, range 10 west, Montana principal meridian, containing seventy-nine and eighty-two one-hundredths acres.

SEC. 2. Said patents in fee when issued shall contain a reservation to the Blackfeet Tribe of Indians of the oil, gas, and all other mineral deposits as provided in the act of June 30, 1919 (41 Stat. 16).

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### LEASE OF CERTAIN LANDS BY THE EASTERN BAND OF CHEROKEE INDIANS, NORTH CAROLINA

The Senate proceeded to consider the bill (H. R. 4901) to authorize the Eastern Band of Cherokee Indians, North Carolina, to lease certain lands for a period not exceeding 40 years, which had been reported from the Committee on Interior and Insular Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Eastern Band of Cherokee Indians, North Carolina, is hereby authorized to lease, for business purposes, with the

approval of the Secretary of the Interior, for a term not exceeding 25 years, any unassigned nonagricultural or timber tribal land located within an area not exceeding 400 yards adjacent to United States Highway No. 19 and 19a, and State Highway 107 and the Blue Ridge Parkway on the Eastern Cherokee Indian Reservation, North Carolina.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act authorizing the Eastern Band of Cherokee Indians, North Carolina, to lease certain lands for business purposes for a period not exceeding 25 years."

#### BILL PASSED OVER

The joint resolution (H. J. Res. 490) to authorize and direct the Secretary of the Interior to study the respective tribes, bands, and groups of Indians under his jurisdiction to determine their qualifications to manage their own affairs, without supervision and control by the Federal Government, was announced as next in order.

THE PRESIDING OFFICER. Is there objection?

Mr. HENDRICKSON. Mr. President, by request, I ask that this bill go over.

Mr. McFARLAND. Mr. President, will the Senator kindly state for whom he objects?

Mr. HENDRICKSON. I object by request of the Senator from Nebraska [Mr. BUTLER].

THE PRESIDING OFFICER. The bill will go over.

#### SALE OF LANDS TO THE CITY OF FLAGSTAFF, ARIZ.

The bill (H. R. 8874) to authorize the sale of lands to the city of Flagstaff, Ariz., was considered, ordered to a third reading, read the third time, and passed.

#### FISHER BREWING CO.

The bill (H. R. 2758) for the relief of the Fisher Brewing Co., was considered, ordered to a third reading, read the third time, and passed.

#### DR. NICOLA DI PALMA

The bill (H. R. 7563) for the relief of Dr. Nicola Di Palma was considered, ordered to a third reading, read the third time, and passed.

#### MRS. ROBERT P. HORRELL

The Senate proceeded to consider the bill (S. 1139) for the relief of Mrs. Robert P. Horrell, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 6, after the word "of" to strike out "\$10,000" and insert "\$4,344.13", so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Robert P. Horrell, of Orlando, Fla., the sum of \$4,344.13 as a gratuity for the death of her husband, Lt. Robert P. Horrell, United States Naval Reserve, who died on December 25, 1942, as the result of an illness contracted in active naval service: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or deliv-

ered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### AMENDMENT OF ATOMIC ENERGY ACT OF 1946

The Senate proceeded to consider the bill (S. 3437) to amend the Atomic Energy Act of 1946, which had been reported from the Committee on Atomic Energy with amendments, on page 1, line 6, after the word "of", to strike out "\$20,000" and insert "\$18,000"; in line 7, after the word "of", to strike out "\$22,500" and insert "\$20,000"; on page 2, line 3, after the words "by the", to strike out "President, by and with the advice and consent of the Senate, and shall receive compensation at the rate of \$20,000 per annum. After June 30, 1950, the General Manager shall be appointed for a 3-year term, and the first such appointment for a 3-year term shall be made with respect to a term beginning July 1, 1950. In cases where a General Manager is appointed and vacates his office before the expiration of 3 years, his successor shall be appointed for a 3-year period commencing on the date of taking office. The Commission may make recommendations to the President with respect to the appointment or removal of the General Manager" and insert "Commission, shall serve at the pleasure of the Commission, and shall receive compensation at a rate fixed in the Commission's discretion but not to exceed \$20,000 per annum"; and after line 18, to strike out:

SEC. 3. Section 12 (c) of the Atomic Energy Act of 1946 is amended to read as follows:

"(c) Advisory committees: The members of the General Advisory Committee established pursuant to section 2 (b) and the members of advisory boards established pursuant to subsection (a) (1) of this section may serve as such without regard to the provisions of sections 109 and 113 of the Criminal Code (18 U. S. C., secs. 198 and 203) or section 19 (e) of the Contract Settlement Act of 1944, except insofar as such sections may prohibit any such member from receiving compensation in respect of any particular matter which directly involves the Commission or in which the Commission is directly interested. The provisions of the last sentence of section 1498 of the Judicial Code, Revised (28 U. S. C., sec. 1498), shall not be applicable to the members of the General Advisory Committee or of such advisory boards, or the assignee of any such member, with respect to any invention or discovery made while such member was not in the employment or service of the United States."

So as to make the bill read:

*Be it enacted, etc.,* That the next-to-last sentence of section 2 (a) (2) of the Atomic Energy Act of 1946 is amended to read as follows: "Each member, except the Chairman, shall receive compensation at the rate of \$18,000 per annum; and the Chairman shall receive compensation at the rate of \$20,000 per annum."



SEC. 2. Section 2 (a) (4) (A) of the Atomic Energy Act of 1946 is amended to read as follows:

"(A) a General Manager, who shall discharge such of the administrative and executive functions of the Commission as the Commission may direct. The General Manager shall be appointed by the Commission, shall serve at the pleasure of the Commission, shall be removable by the Commission, and shall receive compensation at a rate fixed in the Commission's discretion but not to exceed \$20,000 per annum."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOUIS E. GABEL

The bill (S. 2702) for the relief of Louis E. Gabel was announced as next in order.

The PRESIDING OFFICER. Is there objection?

Mr. SCHOEPPPEL. Mr. President, reserving the right to object, I send to the desk an amendment, which proposes to reduce the amount stated in the bill from \$67,000 to \$38,956.42.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 1, line 7, it is proposed to strike out "\$67,000" and insert in lieu thereof "\$38,956.42".

Mr. McCARRAN. Mr. President, regarding the amendment offered by the Senator from Kansas, will the Senator kindly state whether he has conferred with the Senators from Florida as to whether they are satisfied with this amount?

Mr. SCHOEPPPEL. The Senator from Florida [Mr. HOLLAND] is present.

Mr. HOLLAND. Mr. President, I appreciate very much the question of the chairman of the Judiciary Committee. The bill was introduced by my distinguished colleague [Mr. PEPPER], who is on business of the Senate in Ireland at this time. I have conferred with the staff of my colleague and also with the principals, who are the claimants in this matter, and they have agreed to this particular amendment, which has been discussed in some detail between the Senator who has offered it and others on the other side of the aisle, and the Senator from Florida, but a short while ago.

Mr. SCHOEPPPEL. Mr. President, if the Senator will yield, I should like to ask the Senator whether it is also at their suggestion that this amendment is offered?

Mr. HOLLAND. That was the statement made to me by the Senator from New Jersey. I understand that is the case.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 2702) for the relief of Louis E. Gabel.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kansas [Mr. SCHOEPPPEL] which has already been stated.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Louis E. Gabel, an individual trading as Gabel Construction Co., of Orlando, Fla., the sum of \$38,956.42, in full satisfaction of his claim against the United States for uncompensated losses and damages sustained by him under contract numbered NOY-9336, for the construction of a water-softening plant at Florida City, Fla., for the navy yard at Key West, Fla., as a result of a delay in receiving materials and equipment provided for in said contract: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

#### AUTHORIZATION FOR CERTAIN ADMINISTRATIVE EXPENSES IN THE GOVERNMENT SERVICES

The Senate proceeded to consider the bill (H. R. 9430) to amend the act entitled "An act to authorize certain administrative expenses in the Government service, and for other purposes," approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government service, and for other purposes, which had been reported from the Committee on Expenditures in the Executive Departments with amendments, on page 5, after line 11, to strike out:

SEC. 6. There is hereby repealed so much of section 4 of the act of May 10, 1939 (53 Stat. 738, 31 U. S. C. 680a), as reads: "; and all such payments shall be supported by a certificate by the head of the department, establishment, or agency concerned, or such subordinates as he may specially designate, to the effect that the use of the telephone in such instances was necessary in the interest of the Government."

In line 20, to renumber the section from "7" to "6"; in line 24, to change the section number from "8" to "7"; on page 6, line 17, to change the section number from "9" to "8"; in line 21, to change the section number from "10" to "9"; on page 7, after line 4, to strike out:

Sec. 11. (a) The act of August 14, 1937 (50 Stat. 640, 5 U. S. C. 17b), is amended to read as follows:

"Civilian employees of the executive departments and independent establishments of the United States and employees of the District of Columbia who, upon original appointment, have subscribed to the oath of office required by section 1757 of the Revised Statutes, shall not be required to renew the said oath because of any change in status so long as their services are continuous in the executive branch or in the government of the District of Columbia unless in the opinion of the Civil Service Commission or the Commissioners of the District of Columbia, as may be appropriate, the public interest requires such renewal."

(b) There are hereby repealed—

(1) Section 3 of the act of January 31, 1925 (43 Stat. 803, 5 U. S. C. 17); and

(2) Section 3 of the act of December 11, 1926 (44 Stat. 919, 5 U. S. C. 17a).

And on page 8, line 1, to change the section number from "12" to "10."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ANDREW HALASZ

The bill (S. 2856) for the relief of Andrew Halasz was announced as next in order.

The PRESIDING OFFICER. Is there objection?

Mr. SCHOEPPPEL. Mr. President, reserving the right to object, may we have an explanation of the bill?

Mr. McCARRAN. Mr. President, This bill grants the status of permanent residence to a 27-year-old veteran of the United States Armed Forces who entered the United States as a Government official in 1947 to study. The beneficiary of the bill has an intimate knowledge of certain phases of international affairs which would be of great benefit to the Government of the United States. He is married to a citizen of the United States and desires early naturalization in order to obtain a position with the International Monetary Fund.

The PRESIDING OFFICER. Is there objection?

There being no objection the Senate proceeded to consider the bill (S. 3856) for the relief of Andrew Halasz, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 6, after the words "as of," to strike out "November 18, 1948, the date of his induction into the Army of the United States," and insert "October 21, 1947," so as to make the bill read:

*Be it enacted, etc.,* That, in the administration of the immigration laws, Andrew Halasz, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 21, 1947, upon payment of the required visa fee and head tax.

SEC. 2. The Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the nonpreference category of the appropriate immigration quota for the first year such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### AMENDMENT OF COLUMBIA BASIN PROJECT ACT RELATIVE TO STATE LANDS

The Senate proceeded to consider the bill (H. R. 1920) to amend the Columbia Basin Project Act with reference to State lands, which had been reported from the Committee on Interior and Insular Affairs with an amendment, on page 2, line 2, after the word "effective," to insert "except that the purchaser of such State lands, his heirs and devisees, if otherwise qualified to execute a recordable contract, and shall not be disqualified to execute such contract by reason of the amount of the purchase price paid or to be paid to the State for such land."

The amendment was agreed to.







## KANSAS

Dwight H. Snyder, Bucklin.  
Lorenzo D. Morgison, Clifton.  
Lillian A. Holshouser, Dwight.  
Robert Clark Coursen, Overbrook.  
Dean A. Hopkins, Protection.  
Elmer M. Holt, Wellington.

## LOUISIANA

Edwin J. Pierce, Westwego.

## MAINE

Fred L. Temple, Bowdoinham.  
Kenneth B. Morehead, Brooks.  
Hubert A. Templeton, Greenville Junction.  
Lawrence M. Leen, Lincoln.  
Robert L. Smith, North Haven.  
Franklyn A. Towne, Norway.  
Eugene S. Fitzgerald, Smyrna Mills.  
Lloyd W. Tozier, Unity.

## MARYLAND

Dorothy E. Sasscer, Cheltenham.

## MISSOURI

Ralph D. Hall, Doniphan.  
John W. Freeman, Eminence.  
Joseph S. Ford, Eugene.

## NEBRASKA

Ora F. Stegeman, Chappell.  
Cloyd D. Thomas, Clay Center.  
Sterling D. Barrett, Dix.  
Orlo R. Kreutz, Harvard.  
Arthur J. Buchholz, Rulo.  
Augusta M. Martin, Stamford.

## NEW JERSEY

George N. Yantz, Belle Mead.  
Lindsay H. Rudd, Bloomfield.

## NEW YORK

Elizabeth A. Mooney, Bedford.  
Frank R. Cougevan, Canandaigua.  
Lulu F. Moseley, Hauppauge.  
Alice L. Jones, Middle Granville.  
Harold W. Albright, Wilson.

## NORTH CAROLINA

John P. Betts, Beaufort.  
George W. Cooper, Jr., Clemmons.  
Wilbur B. Lane, Pinnacle.

## NORTH DAKOTA

Leon A. Ferguson, Bottineau.  
Norman W. Brudeseth, Hamar.  
Chester W. Thompson, Woodworth.

## OHIO

Erwin A. Carrigan, Manchester.  
Marie Antoine Humpert, Mount St. Joseph.  
Willard W. Weinstock, Powell.  
John Sekerak, Struthers.  
Kenneth C. Lohr, Woodville.

## OKLAHOMA

Alphonse A. Bourassa, Minco.

## OREGON

John E. Ferrell, Brownsville.  
Ermine K. Gentle, Monmouth.

## PENNSYLVANIA

Samuel J. Corbit, Wyomissing.

## TENNESSEE

Thomas C. Tucker, Martin.

## TEXAS

Aubrey Lee Davee, Brady.  
Lucile Fairman, Goldthwaite.  
J. Smith Cluck, Leander.  
Hulan P. Armstrong, Menard.

## UTAH

Percy W. Seay, Magna.

## VERMONT

Richard M. Bradford, Putney.

## WASHINGTON

Louise E. Metzler, Snoqualmie Falls.

## WYOMING

Leslie H. Luedtke, Dubois.

## UNITED STATES TARIFF COMMISSION

Edgar Bernard Brossard, of Utah, to be a member of the United States Tariff Commission for the term expiring June 16, 1956.

## COLLECTOR OF INTERNAL REVENUE

Edwin M. Gill, to be collector of internal revenue for the District of North Carolina.

## COLLECTOR OF CUSTOMS

Charles M. Johnson, of North Carolina, to be collector of customs for customs collection district No. 15, with headquarters at Wilmington, N. C.

## IN THE NAVY

*To be placed on the retired list with the rank of vice admiral when retired*

Vice Adm. Russell S. Berkey, United States Navy.

Vice Adm. Donald B. Beary, United States Navy.

## WITHDRAWAL

Executive nomination withdrawn from the Senate September 16 (legislative day of July 20), 1950.

## POSTMASTER

Reginald S. Woodward to be postmaster at Midlothian in the State of Illinois.



# House of Representatives

FRIDAY, SEPTEMBER 15, 1950

The House met at 12 o'clock noon.

The Acting Chaplain, Rev. Frank B. Burrell, pastor, Fountain Memorial Baptist Church, Washington, D. C., offered the following prayer:

O Lord, our God, we call upon Thee asking that Thou wilt hear our prayer of thanksgiving for the rest, renewed strength, and refreshment given us for today. As we have received and accepted these, so help us to be willing to receive and accept in our souls and minds God's eternal purpose to be accomplished today.

Our purposes so often have been bent to conform with our wills instead of Thine. Help us as a nation and individuals to straighten them that we may go into paths of righteousness which lead to peace and happiness.

Too long have we wandered in the wilderness of selfishness and accomplished so little. Forgive us, we pray, and help our hearts to beat with Thine that we may not cause Thee to withhold from us the fulfillment of Thy great promises and purposes for us. May we be sensitive to Thy Spirit's leadership in our undertakings.

"Thou wilt keep him in perfect peace whose mind is stayed on Thee because he trusteth in Thee." Help, O Lord, our unbelief. In Jesus' name we pray. Amen.

## THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. McDaniel, its enrolling clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 9526. An act making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McKELLAR, Mr. THOMAS of Oklahoma, Mr. RUSSELL, Mr. McCARRAN, Mr. O'MAHONEY, Mr. BRIDGES, Mr. GURNEY, Mr. FERGUSON, and Mr. WHERRY to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 4569) entitled "An act authorizing the transfer of Fort Des Moines, Iowa, to the State of Iowa"; disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOLLAND, Mr. CHAPMAN, and Mr. CAIN to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the amendment of the Senate numbered 191 to the bill (H. R. 8920) entitled "An act to reduce excise taxes, and for other purposes";

*Resolved*, That the Senate further insist upon its amendment number 191 to the above-entitled bill, disagreed to by the House, agrees to a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GEORGE, Mr. CONNALLY, Mr. BYRD, Mr. MILLIKIN, and Mr. BUTLER to be the conferees on the part of the Senate.

The message also announced that the Senate had ordered that the Senator from New Hampshire, Mr. BRIDGES, be excused as conferee on the bill H. R. 9526, an act making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes, and the Senator from Oregon, Mr. CORDON, be appointed in his stead.

## GENERAL OF THE ARMY GEORGE C. MARSHALL

Mr. SMITH of Virginia, from the Committee on Rules, reported the following privileged resolution (H. Res. 853, Rept. No. 3089), which was referred to the House Calendar and ordered to be printed:

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, to authorize the President to appoint General of the Army George C. Marshall to the office of Secretary of Defense. That after general debate which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

## YOUNG MEN'S CHRISTIAN ASSOCIATION

Mr. McMILLAN of South Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 8797) to exempt property of the Young Men's Christian Association of the city of Washington (incorporated under the act of Congress of June 28, 1864, 13 Stat. L. 411) from taxation, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 5, strike out "or" and insert "and".

Page 2, strike out line 8.

Page 2, after line 8, insert:

"SEC. 2. The Young Men's Christian Association of the city of Washington, incorporated by act of Congress approved June 28, 1864 (13 Stat. L. 411), is hereby relieved from any accrued liability to the United States or the District of Columbia for taxes imposed upon any of the property of such association located in the District of Columbia for any tax period during which such property was occupied and used by such association for its legitimate purposes."

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentlemen explain these amendments?

Mr. McMILLAN of South Carolina. These are just clarifying amendments.

Mr. MARTIN of Massachusetts. There are many clarifying amendments that have done a lot of damage. I would like to have them explained.

Mr. McMILLAN of South Carolina. All the bill does is to exempt the YMCA from paying taxes in the District of Columbia which they have never paid. Some regulation came up this year compelling them to pay taxes unless this resolution is agreed to. The Senate just changed the wording of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

## EASTERN SENIOR HIGH SCHOOL (DISTRICT OF COLUMBIA)

Mr. McMILLAN of South Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 8710) to provide for the improvement of stadium facilities at the Eastern Senior High School in the District of Columbia, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Line 4, strike out "construct an addition to" and insert "improve."

Line 6, strike out all after "Columbia" down to and including "field" in line 9.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

## ADMINISTRATIVE EXPENSES IN THE GOVERNMENT SERVICE

Mr. DAWSON. Mr. Speaker, I ask unanimous consent to take from the



Speaker's desk the bill (H. R. 9430) to amend the act entitled "An act to authorize certain administrative expenses in the Government service, and for other purposes," approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government service, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 5, strike out lines 9 to 16, inclusive.  
Page 5, line 17, strike out "7" and insert "6."

Page 5, line 21, strike out "8" and insert "7."

Page 6, line 13, strike out "9" and insert "8."

Page 6, line 17, strike out "10" and insert "9."

Page 6, strike out all after line 21 over to and including line 14 on page 7.

Page 7, line 15, strike out "12" and insert "10."

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, I understand this compels the head of a division to sign for all telephone charges?

Mr. DAWSON. That is right.

Mr. MARTIN of Massachusetts. That is all this amendment does?

Mr. DAWSON. Yes.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

#### SUPPLEMENTAL APPROPRIATIONS ACT, 1951

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9526) making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. RICH. Reserving the right to object, Mr. Speaker, is this the bill that appropriates money to arm foreign countries under the North Atlantic Pact?

Mr. CANNON. The bill carries an item of \$4,000,000,000 for that purpose.

Mr. RICH. Four billion dollars? Mr. Speaker, I object.

#### THE OLD STONE HOUSE IN THE DISTRICT OF COLUMBIA

Mr. PETERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7722) to provide for the acquisition and preservation, as a part of the National Capital

Parks system, of the Old Stone House in the District of Columbia, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior is authorized and directed to acquire, on behalf of the United States, by gift or purchase, a historic building of great pre-Revolutionary architectural merit known as the Old Stone House, located at 3051 M Street NW., Washington, D. C., together with the site on which it stands, more particularly described as lot 859, square 1209, containing approximately 20,048 square feet. In the event the Secretary of the Interior is unable to acquire the property at a price deemed by him to be reasonable, he is authorized and directed to acquire such property by condemnation under the provisions of the act of March 1, 1929 (45 Stat. 1415).

"SEC. 2. The property acquired under the provision of section 1 of this act shall be renovated, stabilized, maintained, and preserved as one of the outstanding remaining examples in the city of Washington of eighteenth century architecture, by the Secretary of the Interior, as a part of the National Capital Parks system, subject to the provisions of the act of August 21, 1935 (49 Stat. 666). The Secretary is authorized to establish a museum on the premises for relics and records pertaining to the early history of Georgetown and the city of Washington and he may accept, on behalf of the United States, for installation such museum articles which may be offered as additions to the museum.

"SEC. 3. All acts or parts of acts inconsistent with the provisions of this act are repealed to the extent of such inconsistency.

"SEC. 4. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this act."

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. RICH. Reserving the right to object, Mr. Speaker, may I ask the gentleman this question: Am I correct in understanding that since yesterday the gentleman has got an agreement that there is to be a limit on the amount to be expended for this purpose?

Mr. PETERSON. We have an assurance from the Parks Service that they will limit the money that will be spent on the purchase.

Mr. RICH. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### EASTERN BAND OF CHEROKEE INDIANS, NORTH CAROLINA

Mr. PETERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4901) to authorize the Eastern Band of Cherokee Indians, North Carolina, to lease certain lands for a period not exceeding 40 years, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

"That the Eastern Band of Cherokee Indians, North Carolina, is hereby authorized to lease, for business purposes, with the approval of the Secretary of the Interior, for a term not exceeding 25 years, any unassigned nonagricultural or timber tribal land located within an area not exceeding 400 yards adjacent to United States Highway No. 19 and 19a, and State Highway 107 and the Blue Ridge Parkway on the Eastern Cherokee Indian Reservation, N. C."

Amend the title so as to read: "An act authorizing the Eastern Band of Cherokee Indians, North Carolina, to lease certain lands for business purposes for a period not exceeding 25 years."

The SPEAKER. Is there objection to the request of the gentleman from Florida?

[Mr. PETERSON addressed the House. His remarks will appear hereafter in the Appendix.]

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

#### FEDERAL DEPOSIT INSURANCE ACT

Mr. SPENCE. Mr. Speaker, I call up the conference report on the bill (H. R. 2822) to amend the Federal Deposit Insurance Act (U. S. C., title 12, sec. 264), and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 8, 1950.)

Mr. SPENCE. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, this conference report has been approved by the Senate without a roll call, and the report we have brought back to the House is very similar to the bill which the House passed amending the Federal Deposit Insurance Corporation Act. The main point of debate between the conferees was the question of examination of the banks. The House bill provided that the Federal Deposit Insurance Corporation could make examinations of any insured bank whenever, in the opinion of the board of directors, the examinations were deemed necessary. The Senate bill made no change in existing law, which provides that the national banks are to be examined by the Comptroller of the Currency, the State members of the Federal Reserve shall be examined subject to the provisions of the Federal Reserve Act and the insured nonmember State banks are examined by the Federal Deposit Insurance Corporation. We provided in the conference report that when the



Federal Deposit Insurance Corporation, after the Federal Reserve or Comptroller examiners made their report, felt that the interest of the depositors or of the Corporation was jeopardized, they could make a special examination.

Since the passage of the bill I have received many communications from the bankers, fearing that they would be subjected to duplicating examinations. That fear has been dispelled by the statement in the conference report because it is provided that these special examinations shall only be made when the regular examination shows the necessity for the examinations.

Mr. Speaker, at this point I ask unanimous consent to insert in the RECORD a letter from Chairman Harl of the Federal Deposit Insurance Corporation to Hon. BURNET R. MAYBANK, chairman of the Senate Committee on Banking and Currency, a copy of which was sent to me by Mr. Harl. He states in this letter that the Federal Deposit Insurance Corporation will only use the powers granted for special examinations when conditions justify it.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The letter is as follows:

FEDERAL DEPOSIT INSURANCE  
CORPORATION,  
Washington, August 24, 1950.  
Hon. BURNET R. MAYBANK,  
Chairman, Senate Committee on  
Banking and Currency,  
United States Senate,  
Washington, D. C.

MY DEAR SENATOR: In respect to the examination provisions of S. 2822 which is now in conference, I understand there is some apprehension on the part of some of the Senate conferees that this Corporation will embark upon a program of regular periodic examinations of all members banks and national banks if the House bill is approved.

We have stated many times and wish to repeat here that such is not the purpose or intention of this Corporation. If this Corporation is given the right to look at its risks as provided in the House bill, it will only make a special examination of a State member bank or a national bank in the case where, in the judgment of the Board of Directors, after the review of the Federal Reserve or Comptroller's examination reports there are indications that the bank may be a problem case, or that it is in a condition likely to result in loss to depositors or to the Corporation. The present system simply will not work out in times of emergency. In many cases a delay of several days' time or even several hours in arranging for an examination will mean the difference between being able to save a bank or have it close.

May we reiterate that there is no intention or purpose of the Corporation to use the examining authority provided in the House bill to conduct the regular periodic examinations of State member banks or national banks. We believe the record of administration of the FDIC during its 16 years of existence has amply demonstrated that it can be trusted to administer the law in accordance with the intent of the Congress. If it would serve to allay any fears, we would not object to your including this letter in the conference report or elsewhere in the public record.

With kindest personal regards and best wishes for your continued success, I am, believe me,

Cordially and sincerely,  
MAPLE T. HARL, Chairman.

Mr. SPENCE. Mr. Speaker, in the bill there is also provided that interest shall be paid upon the advances for stock made by the Treasury of the United States of \$150,000,000, and made by the Federal Reserve banks of \$139,000,000. The principal of these sums has already been paid.

The Corporation agrees to pay back, and is compelled to pay back under this act, 2 percent simple interest on this fund while it was used by the Corporation, which amounts to \$80,000,000. The House bill provided that this should be paid out of current revenues. The Senate bill provided that it should be paid out of the reserve fund. We have compromised, and in the conference report it is provided that this \$80,000,000 shall be paid in two installments, extending over two calendar years, to be taken out of reserve funds, which will not at any time reduce the reserve fund below its present figure.

Those are the salient features. It increases the coverage of individual deposits from \$5,000 to \$10,000, which I think will mean a decentralization of the deposits in the banks, and will largely inure to the benefit of the smaller banks, where big depositors will increase their deposits from \$5,000 to \$10,000, and in that way it will bring money to sections of the country which greatly need it, and will give added prosperity to the smaller banks.

The insurance premiums will be reduced to the banks, but at no time will the reserve fund be diminished. It will continue to grow. It now amounts to \$1,200,000,000. Based upon the 1949 experience of the Corporation, it is expected that even under the dividend credit provided in the conference report, the reserve fund will continue to grow annually by \$70,000,000.

I think the bill has met with the approval of the business interests of the country generally, and I hope that the House will approve the conference report.

I yield such time as he may desire to the gentleman from Texas [Mr. PATMAN].

FDIC

Mr. PATMAN. Mr. Speaker, I am opposed to this conference report. It is not the right time to double the liability of the Corporation and at the same time reduce the assessments for the reserve fund more than 50 percent.

Suppose you were to go to see a banker and tell him: "I want you to double this note that I owe the bank and at the same time reduce my payments by 50 percent." That would not make sense to anybody.

This bill is highly inflationary. It will give to about 10 large banks an average of \$800,000 a year in rebates at a time when we are facing inflation. Those dollars that the banks will have are powerful dollars. They can be expanded as much as seven times. So it is highly inflationary.

I know that there is not a great deal of interest in this bill. Otherwise, I think there would be a good chance of defeating this conference report. I certainly hope that it is defeated. It should not be passed at this time.

On Wednesday, last, September 13, I had a special order of 35 minutes, at which time I fully discussed this conference report and the reasons it should be defeated.

My remarks appear at page 14843 of the CONGRESSIONAL RECORD of that date and subsequent pages.

CREDIT UNIONS EXEMPT FROM REGULATION W

Mr. Speaker, credit unions, both State and Federal, are a great asset to the people of the United States. When consideration was being given to the Defense Production Act of 1950, which included regulation of consumers' credit, I requested the conferees between the House and Senate as a member of this committee to include a provision that would exempt credit unions from the operation of regulation W in the same way and manner that certain savings and loan associations were exempted. The final draft of the conferees included such language.

In order to make it perfectly clear, I am inserting herewith a letter from the Secretary of the Federal Reserve System to the effect that credit unions are included in this provision of the regulation cited. It is as follows:

BOARD OF GOVERNORS OF THE  
FEDERAL RESERVE SYSTEM,  
Washington, D. C., September 13, 1950.  
Hon. WRIGHT PATMAN,  
House of Representatives,  
Washington, D. C.

DEAR CONGRESSMAN PATMAN: It is understood from the staff of the House Banking and Currency Committee that you have inquired as to the treatment under regulation W of certain loans that are fully secured by the lender's own withdrawable shares or a savings account held with the lender.

This subject is treated in section 7 (k) of the regulation, which states the following as one of the credits exempted from the regulation:

"(k) Certain loans on savings shares or accounts: Any loan which is made by a bank, savings and loan association, or similar institution, and is fully secured by withdrawable shares issued by our savings accounts held with the lender."

This provision applies to loans by banks, savings and loan associations, credit unions, cooperative banks, and other such institutions, in those instances in which the institution lends on its own withdrawable shares or on savings accounts that are maintained with the lender. Loans by any such institution which are not fully so secured would, of course, not be covered by this provision, and if otherwise subject to the regulation would have to comply with the applicable requirements.

Very truly yours,  
S. R. CARPENTER, Secretary.

I am inserting herewith Federal Credit Union high lights for the year 1949 as contained in the annual report. They are as follows:

HIGH LIGHTS FOR THE YEAR 1949

Number of charters granted, 523, as compared with 341 in 1948.

Number in operation at close of year, 4,495, as compared with 4,058 at the end of 1948.

Membership, 1,800,000, an increase of 200,000, or 11.7 percent, during the year.

Total assets, \$316,400,000, an increase of \$58,000,000, or 22.4 percent, during the year.

Average shares per member, \$157, an increase of \$13, or 9 percent over 1948.

Amount of loans granted during year, \$348,900,000, an increase of \$75,700,000, or 27.7 percent over 1948.







[PUBLIC LAW 830—81ST CONGRESS]

[CHAPTER 1010—2D SESSION]

[H. R. 9430]

AN ACT

To amend the Act entitled "An Act to authorize certain administrative expenses in the Government service, and for other purposes", approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government service, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (a) of section 1 of the Act of August 2, 1946 (60 Stat. 806), is amended by striking the phrase "in the order directing the travel," and substituting therefor the words "or approved".

(b) The period at the end of subsection (a) of said section is changed to a colon and the following proviso is added thereto: "*And provided further,* That expenses of travel and transportation in connection with the transfer of officers and employees to posts of duty outside the continental limits of the United States and return therefrom shall be allowed to the same extent and subject to the same limitations prescribed for new appointees under section 7 of this Act."

(c) A new subsection is added at the end of the said section, as follows:

"(d) When civilian officers and employees of the United States are on duty at places designated by the heads of their respective departments or agencies as within zones from which their immediate families should be evacuated for military or other reasons which create imminent danger to life or property, or adverse living conditions seriously affecting the health, safety, or accommodations of said families, or upon transfer or assignment to duty of such civilian officers and employees to places where their immediate families are not, for the aforesaid reasons, permitted to accompany them, their immediate families and household goods may be transported at Government expense, under such regulations as the heads of their respective departments and agencies may prescribe, to such location as may be designated by the civilian officer or employee concerned or by the immediate families of such officers and employees when circumstances prevent the officers and employees from designating such locations or when it is administratively impracticable to determine the intent of the officers or employees in this respect: *Provided,* That if such location designated by either the officers or employees or their immediate families is within an area to which such movement is prohibited for the aforesaid reasons, an alternate location may be designated by either the officers or employees concerned or their immediate families: *And provided further,* That such immediate families and household goods may later be transported at Government expense from the designated location or alternate location authorized in this subsection to a duty station to which the officers or employees concerned are assigned, and to which the above restrictions do not apply."

SEC. 2. Section 7 of the said Act of August 2, 1946 (60 Stat. 806), is hereby amended by deleting the proviso at the end of the first sentence thereof, by deleting the second sentence, and by substituting the following therefor: "*Provided*, That such expenses of travel and transportation to posts of duty outside the continental United States shall not be allowed unless and until the person selected for appointment shall agree in writing to remain in the Government service for twelve months following his appointment, unless separated for reasons beyond his control and acceptable to the department or agency concerned and in case of violation of such agreement any moneys expended by the United States on account of such travel and transportation shall be recoverable from the individual concerned as a debt due the United States: *And provided further*, That expenses of return travel and transportation upon separation from the service shall be allowed whether such separation is for the purposes of the Government or for personal convenience, but shall not be allowed unless such persons selected for appointment outside the continental United States shall have served for a minimum period of not less than one nor more than three years prescribed in advance by the head of the department or agency concerned or unless separation is for reasons beyond the control of the individual and acceptable to the department or agency concerned."

SEC. 3. (a) Sections 3 and 5 of the Act of June 5, 1942 (56 Stat. 314), as amended (50 App. U. S. C. 763 and 765), are hereby repealed.

(b) The second proviso of section 1 (a), Act of August 2, 1946 (60 Stat. 806), is hereby amended to read as follows: "*Provided further*, That the allowances herein authorized shall not be applicable to officers and employees transferred in accordance with the provisions of the Foreign Service Act of 1946.

SEC. 4. The Act of August 2, 1946 (60 Stat. 806), entitled "An Act to authorize certain administrative expenses in the Government service, and for other purposes", is hereby amended by adding at the end thereof a new section as follows:

"SEC. 21. This Act may be cited as the 'Administrative Expenses Act of 1946'."

SEC. 5. There is hereby repealed so much of the eighth full paragraph on page 216 of volume 20 of the Statutes at Large, from the Act of June 20, 1878 (44 U. S. C. 322), as reads: "; such rates to be ascertained from sworn statements to be furnished by the proprietors or publishers of the newspapers proposing so to advertise".

SEC. 6. There are hereby repealed—

(a) Section 2, as amended, of the Act of June 30, 1906 (34 Stat. 762, 31 U. S. C. 588); and

(b) Section 3661, Revised Statutes (31 U. S. C. 589).

SEC. 7. There are hereby repealed—

(a) Section 5 of the Act of August 15, 1876 (19 Stat. 169, 5 U. S. C. 45); and

(b) That portion of section 4 of the Act of August 5, 1882 (22 Stat. 255), which reads as follows: "only at such rates and in such numbers, respectively, as may be specifically appropriated for by the Congress for such clerical and other personal services for each fiscal year; and no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee

shall hereafter be employed at the seat of government in any executive department or subordinate bureau or office thereof or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation, and then only".

SEC. 8. The Act of August 8, 1946 (60 Stat. 903, 5 U. S. C. 150), is amended by striking the words "made available therefor" and substituting therefor the words "available to them".

SEC. 9. The third paragraph of title 28, United States Code, section 2672, is amended by striking the words "such agency's appropriations therefor, which appropriations are hereby authorized" and substituting therefor the words "appropriations available to such agency".

SEC. 10. Section 1, as amended, of the Act of December 11, 1926 (44 Stat. 1346, 5 U. S. C. 21a), is further amended by striking the words "the Comptroller General of the United States" and substituting therefor the words "the oath of office required by section 1757 of the Revised Statutes, as amended (5 U. S. C. 16)".

Approved September 23, 1950.







